Civil Service *Robert G. Wilmers & William F. Reilly*

THE NEW REPUBLIC

A Journal of Politics and the Arts – November 10, 1973, 50 cents

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Exit Nixon

The Editors

Risk & Retribution – *John Osborne*

Tales from Tapes – *Walter Pincus*

Impeachment – *Alexander M. Bickel*

Mideast Talks – *Stanley Karnow*

Vidal's "Burr" – *Saul Maloff*

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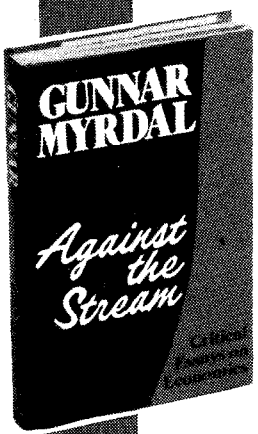

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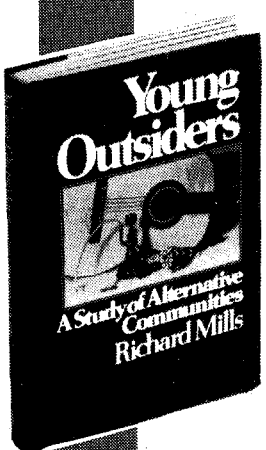

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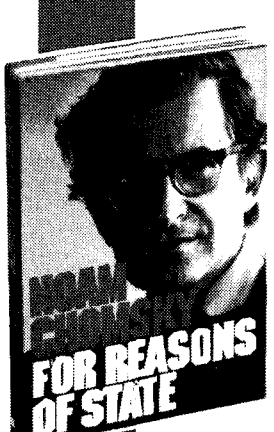

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TRB

from Washington
November 10, 1973

Supreme Performances

He was a small man, slight of stature, "no bigger," someone said, "than half a piece of soap," and his friends called him Jemmy. In June 1789, Rep. James Madison of Virginia rose on the floor of the House of Representatives (sitting in New York), adjusted the ruffles at breast and wrist, and made certain observations about impeachment.

The legislative body listened to him intently, because the Constitution wasn't a year old yet and this blue-eyed, quiet-voiced man with the springy step knew more about it than anybody else. They were days of magnificence for a bold little country, but at the same time, everything was so new. Let's listen to Jemmy, who became the fourth President of the United States:

Suppose in days to come, he said, "an unworthy President" maintains in office an unworthy Cabinet member. "Then the House of Representatives can at any time impeach him, and the Senate can remove him, whether the President choses or not."

Yes, he continued, but "the President can displace from office a man whose merits require that he should be continued in it." That was the other side of the coin, he explained, and the modern reader will, of course, think of President Nixon and special Watergate prosecutor Archibald Cox. And what, Madison asked, "will be the motives which the President can feel for such abuse of his power, and the restraints that operate to prevent it? In the first place he will be impeached by this House, before the Senate, for such an act of maladministration: for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust."

Madison's voice was low and friends often called to him to speak louder. Whether his wife Dolley was in the audience I don't know; after all, he was merely giving a little lecture on what the Constitution meant. He had helped draft it. "But what can be the motives for displacing a worthy man?" he asked. "It must be that he [the President] may fill the place with an unworthy character of his own. Can he accomplish this end? No," he said.

Madison was talking about the office of a possible "Secretary of the Department of Foreign Affairs" (secretary of State), requiring Senate confirmation. But confirmation or not, Madison's words had equal relevancy: "If he could fill the vacancy with the man he might choose, I am sure that he would have little inducement to make an improper removal. Let us consider the consequences. The injured man will be supported by the popular opinion: the community will take sides with him against the President . . . To displace a man of high merit, and who from his station may be supposed a man of extensive influence, are considerations which will excite serious reflections beforehand in the mind of any man who may fill the presidential chair. The friends of those individuals and the public sympathy will be against him."

Madison went on with his methodical logic: "If this should not produce impeachment before the Senate, it will amount to an impeachment before the country, who will have the power of punishment, by refusing to reelect him."

The 22nd Amendment has of course made Mr. Nixon ineligible for another election, but his party is up for election one year from now and it may want to disassociate itself from Watergate. Anyway, that's the guide James Madison gave us some 180 years ago, as set down dutifully in the Annals of Congress, Vol. 1, June 17, 1789. They hadn't coined the phrase Founding Father then, but no better witness could be found of how matter-of-factly people then approached the process of impeachment which daunts us so much today.

A couple of months ago this fallible column reported that there wasn't a chance of impeachment. Things have changed. It has been an agonizing process of watching Mr. Nixon knock himself out. Always he makes concessions and always too late. People who didn't mind "the plumbers" gasped to find that a man with a salary of $200,000 was apparently paying less tax than they; that a man who criticized welfare handouts was getting $10 million in federal funds for his Florida and California estates. Then came the firing of Archibald Cox and the resignations of Richardson and Ruckelshaus, and the White House, too late, realized the awful mistake it had made. Then came the Cox televised press conference on that sunny Saturday in October.

I have seen what I regard as three supreme one-man political performances in my lifetime. First was FDR's "little dog Fala" speech to the Teamsters here in Washington in 1944. It was so funny and devastating that Dewey, who had run his candidate's special train into a quiet siding to hear it, changed his whole campaign plan. It was the only time in my life where I saw men, exuberant union leaders who had been fortifying themselves for the occasion, literally rolling in the aisles.

Next I must put in, in fairness, Nixon's "Checkers" speech in 1952. Ike was ready to ditch him at the revelation of his secret fund. (Secret fund!—it seems third grade stuff today.) The speech was maudlin and politically superb. "Pat doesn't have a mink coat. But she does have a respectable Republican cloth coat." It brought 100,000 telegrams.

I put number three, Jack Kennedy at the Rice Hotel in Houston at 8:30 pm, September 12, 1960, when he faced the sullen Greater Houston Ministerial Association. The Rev. Norman Vincent Peale was on the loose, giving respectable leadership to the ancient fears that beat Al Smith. In a speech cooked up with Ted Sorensen (Unitarian) and followed by questions and answers, Kennedy said, "I believe in an America where the separation of church and state is absolute." Before he finished the audience cheered. He had opened an era.

And now I have to put down number four—that press conference of Archie Cox on a sunny Saturday last month. Maybe I exaggerate. But it seemed to me he suddenly triggered off emotions that had been gathering for weeks. Here is a man of honor, the public said. Nixon had fired him, and Richardson and Ruckelshaus had quit, too.

What was it Jemmy Madison said, "the injured man will be supported by the popular opinion"?

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THE NEW REPUBLIC *A Journal of Politics and the Arts, Vol. 169, No. 19, Issue 3070, November 10, 1973. Published weekly (except the issues of July 14, August 4 and August 25) and distributed by* The New Republic, *1244 19th Street, N.W., Washington, D. C. 20036. Phone 331-7494. Single copy 50¢; Yearly subscription $15; Foreign $18; Armed Forces personnel or students, $10. Send all remittances and correspondence about subscriptions, undelivered copies, and changes of address to Subscription Department,* The New Republic, *381 West Center Street, Marion, Ohio 43302.* *Copyright 1973 by Harrison-Blaine of New Jersey, Inc.* *Item g. Second Class Postage Paid at Washington, D. C. and additional mailing offices. Indexed in Reader's Guide.*

Contents

7 Comment
Exit Nixon, ITT Again
8 Tales from Tapes—*Walter Pincus*
9 Impeachment—*Alexander M. Bickel*
10 The Nixon Watch: Risk & Retribution
John Osborne
12 Coming to Terms in the Middle East—
Stanley Karnow
14 That 3 am Alert
15 TVA after 40 Years—*Peter Barnes*
18 Decay in New York's Civil Service—
Robert G. Wilmers & William F. Reilly
22 Films—*Stanley Kauffmann*
23 Books—Reviews by *Saul Maloff, Rosemary Radford Ruether, James Walt, David Sanford, Peter Caws*
24 Poem—*Michael Niflis*
30 Fine Print—*Doris Grumbach*

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Exit Nixon

It is the beginning of the end. Allegations of criminal behavior in and around the White House fall upon us like autumn leaves, each adding to the weight of doubt about the President's fitness to govern. Mr. Nixon is like a bear dancing on a greased floor; the wonder is that he still stays on his feet. The performance cannot go on much longer. The question is when and how it will be ended, and how much damage will have been done to the country in the process. Walter Pincus in this issue comments on some of the earlier mysteries surrounding the White House tapes of conversations that were to be delivered to Judge Sirica. Within hours after his article was written, the mystery took on the quality of the absurd. Who is going to believe the White House story that two of these nine subpoenaed tapes were never recorded in the first place? For three months the disputed records were at the center of a historic court case, but only last week were we told that neither the President nor any of his aides or counsel listened to them, despite repeated White House claims that national security information and embarrassing chitchat would be disclosed if the tapes were made public, and so they could not be. That "minimum of confidence" that government must enjoy if it is to function at all has gone, not because it has been shot away by a hostile press, but because the President has thrown it away.

Start with Mr. Nixon's comments at his October 26 press conference. There he alluded to a historical precedent for his so-called tape compromise: Chief Justice John Marshall had subpoenaed a letter written by Thomas Jefferson during the Aaron Burr treason trial; according to "historian" Nixon Jefferson produced "a summary of the contents of the letter which was relevant to the trial," and that compromise was accepted by Chief Judge Marshall. It was the scholarly *New York Times* columnist, Anthony Lewis, who reminded us that Jefferson had complied with Marshall's subpoena and submitted the entire letter to a US attorney, who then decided what was to be excised and what supplied to the court. Was this another accidental White House error, attributable to poor staff research, or was it a slip made in a fit of absentmindedness, like the nonrecording of critical presidential conversations, or was it deliberate distortion? We have reached the point where an answer no longer matters. That

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is how far the President's credibility has sunk.

Referring to his compromise—"one in which Judge Stennis, now Senator Stennis would hear the tapes and would provide a complete and full disclosure"—Mr. Nixon further said on October 26: "Attorney General Richardson approved this proposition, Senator Baker, Senator Ervin approved of the proposition. Mr. Cox was the only one that rejected it." That was a lie. None of them approved the *entire* White House compromise, which included not only delivery of nine tapes (they did not know two were missing), but also a proviso that no other presidential tapes, notes or memoranda were subsequently to be sought by the special prosecutor. Attorney General Richardson specifically did not support that part of the proposal, and Senators Baker and Ervin were not told about it. When they later learned of it, both supported Cox in his refusal to accept it.

During the same bitter interchange with the press replying to a question about the $100,000 cash contribution from Howard Hughes that was held for three years by his good friend Bebe Rebozo, the President again dallied with deception. From two depositions of Hughes aides who turned the cash over to Rebozo, in $50,000 chunks, we know that the first installment in 1969 and the second in 1970 were intended as contributions to the 1968 and 1970 Republican campaigns. Mr. Nixon implied that these funds were for his 1972 campaign. Explaining why Mr. Rebozo allegedly never told him of the money, Mr. Nixon stated that, ". . . Before the election I did not want to have any information from anybody with regard to campaign contributions." Then why was a list of major Nixon contributors—some $20 million collected before April 7, 1972—sent to the President's personal secretary Rose Mary Woods sometime in April of last year? Among those donors was Howard Hughes.

Former Attorney General Richard Kleindienst's decision to talk to special prosecutor Cox about the President's direct intervention in the ITT antitrust case gives another downward shove to Mr. Nixon's reputation for candor. Testifying under oath in March 1972 Mr. Kleindienst had said: "In the discharge of my responsibilities as the acting Attorney General in these [ITT] cases, I was not interfered with by anybody at the White House. I was not importuned; I was not pressured; I was not directed." According to what Mr. Kleindienst is *now* saying, that statement could make him liable to charges of perjury. The President did intervene, bluntly, rudely. How many more men who worked directly for the President, how many of his close personal friends must also face the prospect of close investigatorial scrutiny and, perhaps, the possibility of indictment for perjury or other crimes? Mr. Stans and Mr. Mitchell are already indicted in the Vesco case. Mr. Haldeman, Mr. Ehrlichman and Mr. Kalmbach are targets of the Watergate prosecutor. Mr. Rebozo and even Mr. Arnholt Smith, the San Diego millionaire Nixon friend and contributor, are subjects of tax inquiries. What could or will any of them say about the President in return for immunity from their own possible prosecution? Imagine the future of a President of the United States being held hostage to needs of such former friends and associates.

COMING: Morris K. Udall on rejuvenating the Democratic Party

Much has been written of the isolation of Mr. Nixon, but he has not been *that* isolated. He knew of his conversations with Mr. Kleindienst on ITT and kept silent in March 1972 when the acting attorney general apparently lied under oath to a Senate committee. He knew in April 1973 that his acting FBI Director L. Patrick Gray III had destroyed material taken from Watergate conspirator E. Howard Hunt's White House safe, but he did not say so and he did not immediately fire Gray. He knew in February 1973 that newsmen and White House aides had been wiretapped, yet allowed his staff to deny it. He knew in May 1973, when Judge Matthew Byrne, presiding over the Ellsberg trial, ordered logs on those wiretaps to be turned over to him that the logs rested in White House safes, but Mr. Nixon said not a word.

The boil has come to a head and must be lanced. The Ervin committee, the Internal Revenue Service, the Watergate Special Prosecutor Force, the FBI and the House Judiciary Committee are all looking at Mr. Nixon's deeds and misdeeds and their findings will be spelled out in a bill of impeachment. The writing of that will take time but it will be written. When Spiro Agnew decided to resign rather than fight in the courts and the Congress, the President wrote the former Vice President that his decision showed "concern for the national interest" and "was advisable in order to prevent a protracted period of national division and uncertainty." Those noble sentiments are worthy of emulation by Mr. Nixon. His resignation, we believe, is the course that would best reflect "concern for the national interest."

The prospect of resignation or ultimate removal from office does, however, raise other, very serious problems. The first of these is filling the vice presidential vacancy in a way that can lay the foundation for an interim government capable of shoring up crumbling public confidence. Rep. Gerald Ford would not be any discerning citizen's first choice among Republicans as Mr. Nixon's successor, and the Senate and House confirmation hearings may show him to

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be totally unqualified, in which case he ought to be rejected. But the Ford nomination hearings should examine closely not only the past record of the nominee, but also his intentions. The next President and the Congress have major disagreements to resolve, conflicts that have been exacerbated by the running battle between the incumbent and Capitol Hill. These antagonisms have spread confusion and distrust, and have impeded the work of government.

What, for example, is Mr. Ford's attitude toward executive impoundment of appropriated monies? Does he believe the President can arbitrarily set aside programs approved and funded by Congress? Can some guidelines be drawn up with a Vice President-designate on handling the complex federal budget process, from conception in the executive to approval by the Congress? And what of presidential authority over the deployment of our armed forces? Mr. Nixon has vetoed the war powers bill, and in our judgment rightly so, though for the wrong reasons. What are Mr. Ford's views of the proper role of the President and the Congress in deciding whether and how war is to be made or risked? Questions of secrecy and executive privilege have come to the fore because of Vietnam and Watergate, and because of Mr. Nixon's infatuation with secrecy. Congress' latest attempt to break the secrecy barrier in the United States Information Agency was vetoed and the veto upheld in the Senate by 10 votes. Mr. Ford's present attitude on sharing executive information with the Congress differs from the President's; Ford would be more cooperative and forthcoming. But no ambiguity on this matter should be allowed to remain.

Nor should doubt be left about whether Mr. Ford would vigorously pursue the Watergate investigation and other inquiries that are underway. And we would want to have Mr. Ford's opinion about current insinuations that should the incumbent President no longer hold office, Mr. Nixon could count on Mr. Ford to protect him from prosecution. A firm guarantee should be required of the Vice President-designate that no deals have been or will be entered into. It was reassuring to hear Mr. Ford say last week that he thinks all pertinent White House papers should be made available to those empowered by Congress or the courts to investigate wrongdoing and prosecute wrongdoers.

Nothing short of consensus government can carry us safely through the next three years. And since Mr. Ford has had little experience in foreign policy or health and welfare, to put it politely, he should be asked to name the sort of appointees, including some Democrats, he has in mind for these important Cabinet posts. Finally Mr. Ford should tell us now whom he would nominate as *his* Vice President, should he succeed Mr. Nixon. The country doesn't need any more surprises.

ITT Again

Remember when Dita Beard, the International Telephone and Telegraph lobbyist, was called unbalanced and unreliable? Her famous memo referred so casually to high administration officials and made such damning remarks about the Nixon White House that it was considered the work of a self-promoter, a lobbyist's puff-job gone haywire. Friends of the administration were eager to put the memo in perspective when the Senate Judiciary Committee began asking questions, and they worked hard to discredit Mrs. Beard. Former Kentucky Governor Louis Nunn said, when asked, "Well, I have observed her on occasions where she was drinking heavily, yes sir." Her doctor expressed doubts about her mental condition. ITT men in the Washington office and top executives from New York professed ignorance of her carryings on. Yet the essential facts in the Beard note were soon confirmed and the debatable ones were not disproved. In the year and a half since then many more details of the ITT antitrust settlement at the Justice Department have come out, all of them adding credence to the maligned memo.

Since early this spring it's been known there are memos and letters linking former White House officials to the out-of-court ITT settlement, and in August we learned through a memo written by Charles Colson that the White House swept these papers together and tried to keep them secret. The Colson memo also stated that certain of the documents, in Colson's words, could "directly involve the President" in the scandal. Last week we learned how. Someone who may have heard the story from Archibald Cox leaked word to *The New York Times* that the White House intervened directly in the ITT antitrust suit and persuaded then Deputy Attorney General Richard Kleindienst to delay the government's prosecution. According to the *Times* presidential aide John Ehrlichman called Kleindienst just as government lawyers were preparing to go to court and asked him to hold off filing an appeal that would be detrimental to ITT. Kleindienst refused. Shortly afterward President Nixon telephoned Kleindienst personally, called him "a vulgar name" and asked, "Don't you understand the English language?" Nixon then ordered Kleindienst to delay the appeal and he obeyed. The story apparently is true for the White House offers only two criticisms of it—first, that it represents "an inexcusable breach of confidence on the part of the staff of the former special prosecutor," and second, that it has not been presented in "fair and accurate perspective." In context, the White House press office says Nixon's act should be viewed as nothing worse than misjudgment. By this account Nixon suddenly became aware of the implications of the ITT suit in the spring of 1971 (at least one, probably two years after the White House had been fully informed of it) and mistakenly assumed that the case violated his own antitrust views. (Nixon believes that

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companies should be sued not because they are large or powerful, but because they are anticompetitive.) He therefore ordered an immediate halt. But according to the White House when the Justice Department later explained the case to the President, he realized that it didn't violate policy and withdrew his objection. (Kleindienst says this isn't so, that Nixon backed off only when he was faced with the threat of Kleindienst's resignation.) At any rate, the case was permanently derailed. A couple of months later it ran up against an "economic argument" procured from a Wall Street analyst and delivered to Kleindienst by White House aide Peter Flanigan. This finally persuaded the department not to go to trial.

Leaving aside the contradictions in the story, one is struck by the contrast between the stark fact of Nixon's intervention ("Don't you understand the English language?") and the long record of official squirming to hide it. Kleindienst was the first to deny pressure from outside the department: in December 1971 he wrote that the ITT settlement had been "handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren. . . ." Three months later Kleindienst and McLaren maintained in Senate hearings that they had not even consulted the White House. Finding this hard to believe Senator Birch Bayh asked, hadn't Kleindienst "ever talked to anybody down at the White House?" The reply: "No sir. No sir, to the best of my recollection . . . So far as consulting about, reporting to, getting directions from, going into depth on these matters or any other antitrust case, *I have never had that experience.*" And when asked by Senator Kennedy why he had asked for a delay of the appeal, Kleindienst said, "I do not recollect why that extension was asked." Nor did McLaren. Struggling in the miasma of lost memories, Kennedy demanded of McLaren, "You did not really care, then, if there was an extension of time, so who did care? . . . Could I have an answer to that? Who did care whether there was an extension . . .?" McLaren volunteered weakly that he guessed ITT's lawyer cared. Kleindienst didn't say anything.

While these two men fumbled their way through the hearings, the Justice Department announced that it would not allow the Senate to see its private files on ITT because it had a right to keep internal memos secret. The director of the Securities and Exchange Commission, a Nixon appointee, at the same time also decided to withhold from Congress other documents that implicated White House aides in the ITT case, and he eventually sent the papers to the Justice Department where they were locked up. Even the department's own special prosecutor, Archibald Cox, had difficulty getting at these files and White House ITT papers, and it wasn't until he threatened to sue that he won access. He was not given the White House papers until August 21, more than a month after requesting them. Eight weeks later he was fired.

Tales from Tapes

There was a popular notion floating about before the news of the two missing tapes that when the contents of the White House recordings are finally revealed—first to Judge John Sirica and later, if the judge so decides, to the grand jury—nothing of significance will emerge. The President and close aides who have listened to the tapes have helped foster that idea by stressing the ambiguous nature of the conversations. In a letter to Senator Sam Ervin last July 23 the President said, "As in any verbatim recording of informal conversations, [the tapes] contain comments that persons with different perspectives and motivations would inevitably interpret in different ways." Perhaps. But I am more inclined to believe that the tapes may be a prime factor in reinforcing or destroying the credibility of the President, or at least of his chief Watergate accuser, former White House counsel John Wesley Dean III.

Though some of Dean's allegations of presidential knowledge of the Watergate cover-up rest on impressions gained from Oval Office conversations, Dean testified that on one specific occasion, March 13, 1973, he told the President directly that money "was paid to the [Watergate] defendants" and that additional "money demands [were] being made." Dean described the scene: ". . . Haldeman came into the office . . . While he was still there, I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only make an estimate that it might be as high as a million dollars or more. He told me that that was no problem and he also looked over at Haldeman and repeated the same statement. He then asked me who was demanding this money and I told him it was principally coming from Hunt through his attorney. The President then referred to the fact that Hunt had been promised executive clemency. He said that he had discussed this matter with Ehrlichman and, contrary to instructions that Ehrlichman had given Colson not to talk to the President about it, that Colson had also discussed it with him later."

Subsequently during a March 21 meeting with the President, Dean delivered his cancer-on-the-presidency review of Watergate and the cover-up. Money and clemency were again discussed. But remember, in Dean's version, March 13 was when they were first raised, which apparently is *not* the President's recollection. "At *no time*," said the President on May 22, "did I authorize or know about any offer of executive clemency for the Watergate defendants. *Neither did I know until the time of my own investigation of any efforts to provide them with funds.*" Note that last sentence. The President's "own investigation" according to several of his statements began on March 21. Both

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the March 13 and March 21 tapes are among those under subpoena. If they are audible they should settle the question of when money and clemency were first discussed between Mr. Nixon and Mr. Dean.

There are curious aspects of this disagreement over when the money and clemency conversation first took place, that make me suspect the tapes have been doctored. Haldeman, according to White House logs in the possession of the Ervin committee, sat in on the March 13 meeting for 12 minutes. The former White House chief of staff confirmed this but said he had no recollection of the conversation (the meeting between Dean and the President lasted one hour and 18 minutes). Haldeman came into the March 21 meeting near the very end and was there approximately five minutes, according to Dean. No, Haldeman told the Senate committee, he was there for some *40* minutes. The source for Haldeman's certainty: "my log." But a summary of Haldeman's logs prepared by the Ervin committee does not mention that March 21 meeting at all! And the committee's prepared White House log, which almost religiously records the exact times that those participating in presidential meetings come and go, shows only that Haldeman attended for "part of the meeting," without giving the usual time period. It is interesting to note that the phrase, "latter part of [the] meeting" was the exact language used by Haldeman when, during a deposition taken last May in the Democratic Party lawsuit, he mentioned attending the March 21 meeting. The amount of time Haldeman attended is important. The money conversation lasted longer than five minutes. Thus if Dean is correct on the time, yet the payments discussion appears only on the March 21 tapes, investigation should be made to determine if that conversation was lifted from the March 13 tape.

The President himself has said he asked Dean how much it would cost to keep the Watergate defendants quiet and that he asked Dean how the money got to the defendants and Dean told him. Both Haldeman and the President say that at that point the President declared such a course was "wrong." The President recalls adding, "It won't work, we can't give clemency, and we've got to get the story out." At the Ervin committee hearings Haldeman was pressed to explain why the President carried on the discussion in that fashion, rather than rejecting, out of hand, the payment idea as an obstruction of justice. Haldeman first said it was the President's way of smoking out Dean's ideas, but under further questioning he said, "Why he [Nixon] was trying to get the information is not clear to me."

Alexander Butterfield, Haldeman's former aide who first disclosed the existence of the tapes, told the Ervin committee he periodically checked to make certain the quality of the recordings was satisfactory. Mr. Haldeman, on the other hand, after listening to them said he found the quality was not good at times, when voices overlapped or echoed in the large Oval Office. A disturbing precedent comes to mind: the tapes from White House aide John Ehrlichman's telephone that were turned over to the Ervin committee by Ehrlichman show that on two occasions during a recorded phone call between Ehrlichman and former Attorney General Richard Kleindienst—when the conversation went to a key point involving the President and John Mitchell—the recording went "inaudible." Will we discover that *that* is why different people will interpret the tapes "in different ways"?

Walter Pincus

Impeachment

There is and ought to be such a thing as executive privilege. There are even serious, independent people like Professor Charles L. Black, Jr. of Yale who support President Nixon's quite extravagant view of the privilege. But it may be doubted that any precedent damaging to the future of the presidency would have been set by a voluntary release of White House tapes before any subpoena or other threatening demands for them had been issued. And so ever since it became known that tapes existed that might corroborate or disprove the allegations made by John Dean the suspicion, if no more than a suspicion, has been irresistible that the President was wittingly involved in the Watergate cover-up and that the tapes would show it.

The tapes—or what there is of them—are now going to Judge Sirica, but in discharging Archibald Cox and in his subsequent press conference, the President made it clear that he will not release other presidential papers and perhaps tapes that might prove or disprove additional allegations. He has thus managed to arouse yet additional suspicions. The possibility of an impeachment, therefore, which just a few weeks ago still seemed utterly remote, must now be faced, and the House Judiciary Committee has launched an inquiry looking to that possibility.

People wanted to impeach Earl Warren and more recently William O. Douglas. The impeachment machinery has been used successfully against a handful of federal judges and unsuccessfully against President Andrew Johnson and, early in the government's first century, against Justice Samuel Chase of the Supreme Court. But the conventional wisdom has long been that it would be improper to use the impeachment power against the President or against the judges so as to enable Congress to oust them simply because they and their policies have lost the confidence of the country. And conventional though it be, this is wisdom. For better or for worse the separateness and

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independence of the three branches of government, executive, legislative and judicial, is a fundamental principle of the American Constitution, and if a President or a Supreme Court justice could be removed because a majority of the House of Representatives and two-thirds of the Senate have come to mistrust him or disapprove of one or more of his actions, the separation of powers among independent institutions would be gone. The upshot would be congressional supremacy and a form of government calling for quite a different constitution. The impeachment process is in all circumstances difficult, whatever standards may be used, but impeachment need not occur with great frequency to achieve the result of congressional supremacy. For if impeachment were a live possibility as a consequence of unpopular actions or decisions, the possibility would be commonly taken into account and would affect the conduct of the executive and judicial branches.

Impeachment serves as an ultimate safeguard rather than an instrument for the destruction of the system of separation of powers. The grounds for invoking it must therefore be severely limited. The Constitution mentions two well-defined grounds: treason and bribery. Then it adds, without defining, "other high crimes and misdemeanors." History yields a number of interpretations but no authoritative clarification of this sonorous and rather awesome phrase. And present circumstances do not really call for any effort at a general, abstract definition of it. Much better to draw a pragmatic line, putting to one side charges and allegations that sound too political for comfort, and leaving for consideration other charges and allegations that raise issues of personal integrity and fitness for office, whether or not they involve what would constitute in a technical sense criminal conduct. Thus one would conclude that if the President committed the armed forces to combat, acting on a conception of his powers that is disputed by many but has some support in prior practice, and even if he exercised his power in secret, as commanders-in-chief have done before him, he is subject to censure but not impeachment. Or if he engaged or proposed to engage in domestic security operations, such as wiretapping, which were later held to be unconstitutional, but for which there was also some support in prior practice; or if he exercised his duty to see that the laws be faithfully executed with a self-serving eye to political considerations, as others have done before him; or if he was negligent in supervising subordinates, he is certainly to be held to political account, but he should not be subject to impeachment. Impeachment on such grounds would be a precedent difficult to cabin, and would tend to transform the independent presidency into one accountable to the Congress.

If, however, the President was personally involved in efforts to obstruct justice following the Watergate break-in, or if he ordered or knowingly tolerated the abuse of executive power by wiretapping or other invasions of privacy for which no pretext can be found in considerations of national security, or if his favors were purchased, whether by direct gifts or by compaign contributions and whether or not the technical crime of bribery can be made out, then he ought to be impeached.

Alexander M. Bickel

The Nixon Watch

Risk and Retribution

There's a certain relief and pleasure in turning for once from the unceasing run of presidential horrors to a couple of current books about the presidency as an institution. Both Emmet John Hughes in *The Living Presidency* (Coward, McCann & Geoghegan; $10.50) and Arthur M. Schlesinger, Jr. in *The Imperial Presidency* (Houghton Mifflin; $10) deal with the incumbent President as well as with the institution and neither of them is kind to Richard Nixon. But both of them remind us of a fact that is too often and easily overlooked in this time of deepening trouble for the President and for the country, when senators are calling upon Mr. Nixon to resign and a committee of the House of Representatives is considering whether he should be impeached. The fact is that the sins and excesses of the Nixon presidency, or anyhow the opportunity and the power to commit the sins and excesses, have their roots in a past that goes back to the nation's 18th century founders and to the period that Emmet Hughes calls "that season gray with doubt, when the Republic was being born."

The origins, growth and what both authors hold have been in the Nixon time an outrageous distortion and misuse of presidential power are the central subjects and preoccupations of these books. A refreshing distinction of the Hughes book is that it contains no reference to Watergate and the scandals related to it. For Hughes, the prime contemporary manifestation of presidential power improperly perceived, inflated and applied is the Vietnam war. His concern and strictures have to do with "the pattern of presidential action and leadership throughout the Vietnam war" and not merely with the Nixon phase. He ascribes to Lyndon Johnson no less than to Richard Nixon the deceit of the public and Congress, the misjudgments of Asian communism, the habit of blaming the critics rather than the promoters and proponents of the war for the harm it did, and the other products of executive arrogance that marked its course. Hughes discerns in the secrecy, silence and solitude that cloaked the President's actions and decisions during the last months of American participation in the Vietnam

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portion of the Indochina war an example of the danger that Edward S. Corwin wrote about in 1941 when he observed that "no President has a mandate from the Constitution to conduct our foreign relations according to his own sweet will." Yet, for all the abuses of presidential power that Hughes recounts and deplores, he winds up in agreement with Henry Stimson's finding that Presidents Theodore and Franklin Roosevelt were effective leaders because they understood and enjoyed the use of power and with the dictum of Demosthenes that "as a general marches at the head of his troops, so ought wise politicians . . . to march at the head of affairs."

Arthur Schlesinger acknowledges at the start of this, his tenth book of political history and analysis, that circumstances have compelled or seemed to compel much of the concentration of power in the presidency that he traces from Washington to Nixon and that "historians and political scientists, this writer among them, contributed to the rise of the presidential mystique." Like Hughes, he has to grant that effective Presidents are strong Presidents and, also like Hughes, he is at his weakest when he tries to define curbs upon the expansion and use of presidential power. Schlesinger, in fact, falls back for this purpose mostly upon a summary of some rather tattered remedies that Senator Sam Ervin has proposed. Even so, Schlesinger is interesting and worth reading when he examines the origins and evolution of what he variously calls "the imperial presidency" and, in its extreme perversions under Richard Nixon, "the runaway presidency," "the plebiscitary presidency" and "the revolutionary presidency."

This reader gathers that Schlesinger set out originally to write a "history of the war-making power," documenting his thesis that "the imperial presidency received its decisive impetus . . . from the capture by the presidency of the most vital of national decisions, the decision to go to war," and in mid-composition let himself be trapped by time and events into dealing also with the complex of evils known as Watergate. The effect is to give an excellent book the appearance of instant history, below the author's usual standard of quality. But the effect is fortunate, too, in that we have in this book a thoughtful analysis of Watergate as a wretched but understandable phenomenon.

The various characterizations of the Nixon presidency already quoted—"runaway" and "plebiscitary," the last meaning that Mr. Nixon truly did interpret his 1972 victory to be a mandate to do whatever he pleased—bring Schlesinger to his "revolutionary presidency" and to his conclusion that "Richard M. Nixon, for all his conventionality of utterance and mind, really was a genuine revolutionary." Interestingly and quite possibly with great prescience, Schlesinger in this and other passages refers to Mr. Nixon and his presidency in the past tense. The "new American revolution" proclaimed by the President in 1971 and dismissed by this reporter, among others, as an empty and foredoomed exercise, was in the view presented here a genuine attempt at revolution by a serious revolutionary, Richard Nixon. "But the essence of this revolution was not, as he said at the time, power to the people. The essence was power to the presidency." Schlesinger sees in it a revolution "aimed at reducing the power of Congress at every point along the line and moving toward rule by presidential decree." It may, in the most charitable interpretation, have arisen from "a considered judgment that the old separation of powers had outlived its time" and had "so frustrated government on behalf of the majority that the constitutional system had become finally intolerable." However that may have been, it meant that Richard Nixon had come to embody and propagate a theory—expressed specifically in his 1970 internal security plan—that "the President of the United States, on his own personal and secret finding of emergency, had the right to nullify the Constitution and the law." Schlesinger quotes Justice Brandeis' remark that governments which commit crimes in order to convict criminals invite "terrible retribution" and then writes: "Retribution came, and its name was Watergate. But it came almost by accident. Watergate was a probable, but by no means a necessary, consequence of the effort to change the nature of the presidency." Guessing that Mr. Nixon "might have carried his revolution . . . very far indeed" if he'd avoided the excesses of illegal activity that he authorized in 1970, Schlesinger explains the mistake in personal terms: ". . . his revolution took direction and color not just from the external circumstances pressing new powers on the presidency but from the drives and needs of his own agitated psyche. This was the fatal flaw in the revolutionary design. For everywhere he looked he saw around him hideous threats to the national security. . . . If his public actions led toward a scheme of presidential supremacy under a considerably debilitated Constitution, his private obsessions pushed him toward the view that the presidency could set itself, at will, *above* the Constitution. It was this theory that led straight to Watergate."

When Schlesinger closed out his book in the early autumn of 1973, it seemed to him that Mr. Nixon "still failed to understand that the sickness of his presidency had been caused, not by the overzealousness of his friends nor by the malice of his enemies, but by the expansion and abuse of presidential power in itself." Arthur Schlesinger could not, as a conscientious historian, ascribe it all solely to Richard Nixon's personal defects. He wrote: "Nixon's presidency was not an aberration but a culmination. It carried to reckless extremes a compulsion toward presidential power rising out of deep-running changes in the foundations of society. In a time of the acceleration of history and the decay of traditional institutions and values, a strong presidency was both a greater necessity than

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ever before and a greater risk—necessary to hold a spinning and distracted society together, necessary to make the separation of powers work, risky because of the awful temptation held out to override the separation of powers and burst the bonds of the Constitution. The nation required both a strong presidency for leadership and the separation of powers for liberty."

What to do about a President who exploits these contradictory requirements as Richard Nixon has? The answer suggested in this book is—impeach.

John Osborne

Coming to Terms In the Middle East

by Stanley Karnow

President Nixon says that the prospect for "a permanent peace" in the Middle East is "the best it has been" in two decades, and, at this stage, his display of confidence is understandable if somewhat risky. For in contrast to the periods following previous conflicts in the region, a serious and speedy quest is now underway to reach a durable settlement. Considering both the emotional and practical differences that divide the Arabs and Israelis, however, this quest may ultimately founder as badly as earlier efforts have. But at least the search for a solution has started, and the main danger in building up hopes, as the President has, is that they could so easily be shattered.

Despite the military alerts that seemed to propel them briefly to the brink of confrontation, the Soviet Union and the United States have managed to bring their influence to bear in a positive fashion. They persuaded their respective clients to stop shooting, and, for the first time since 1956, Arab and Israeli officers have entered into direct talks on the questions of prisoner exchanges and help for the Egyptian units beleaguered on the east bank of the Suez Canal. Working through the United Nations, an organization they largely ignored until now, the big powers also have agreed to the presence of a multinational "emergency force" in the area. These and other steps have been punctuated, meanwhile, by intensive diplomatic journeys to the various capitals concerned with the conflict. Soviet Premier Alexei Kosygin visited Cairo, and, not long after trips to Moscow and Tel Aviv, Secretary of State Henry Kissinger flew off to Egypt and Jordan following the arrival in Washington of Acting Foreign Minister Ismail Fahmy of Egypt and Israeli Premier Golda Meir. But movement, though promising, is not in itself a guarantee of progress, and nobody familiar with the Middle East tangle is prepared at the moment to forecast with any degree of assurance the future shape of the region. Or as an official US specialist put it last week, "It may be pointless to be pessimistic, but it's hard to be optimistic."

The war plainly has contributed to complex psychological changes in both the Arabs and Israelis; yet in the estimation of participants as well as outside analysts one can't estimate with any accuracy how these changes will affect the forthcoming negotiations. Equipped with sophisticated Soviet weapons the Egyptians did better on the battlefield than they ever have. They staged a complicated crossing of the canal, and, by inflicting heavy casualties on their enemy, they destroyed the myth of Israeli invincibility. Though they ended up by losing ground the Egyptians and Syrians emerged from the conflict with unprecedentedly high morale and the conviction that, over the long run, the effectiveness of their armed forces will continue to improve at a faster rate than that of the Israelis, and thus that they will eventually be able to score a decisive victory. Their new buoyancy does not necessarily mean that the Arabs will be more accommodating at the conference table. On the one hand Egyptian President Anwar Sadat signaled a measure of moderation in the midst of the fighting by claiming that his objective was not the annihilation of Israel. At the same time, however, he and his Arab allies assert that they will accept nothing less than a return of territory occupied by Israel in 1967 in addition to an accord that satisfies the displaced Palestinians. Hardly had the hostilities halted than the Egyptians began tough bargaining with the demand that the Israelis pull back to the first cease-fire line before their prisoners would be released.

The Israelis are going through a public postmortem on their conduct, and, while they do not speak with a

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single voice, the general tone of their self-evaluation appears to reflect the view that they were overly complacent in permitting the Arab offensive, and should therefore adopt a stiff posture in the discussions that lie ahead. This attitude is mirrored in statements by Mrs. Meir and other Israeli leaders indicating that they intend to use their military gains to consolidate positions they held before the war erupted, rather than meet the Arabs even halfway. The Israelis realize that the Arab oil boycott on Europe has left them diplomatically friendless except for American support. They recognize that their almost total dependence on the US, which compelled them to cut short their drives toward Cairo and Damascus, also limits how far they can go. The Nixon administration has already begun to exert pressure on them to accede to a compromise. A key question is whether Mrs. Meir's cabinet can play a supple negotiating game without facing the threat of ouster by domestic adversaries who equate temperance with surrender.

Basically the issue that separates the Arabs and Israelis is territory, and it is a nagging issue for several reasons that reach beyond the mere matter of who controls what parcel of land. The Egyptians want to retrieve the Sinai, in part at least, in order to reopen the Suez Canal as a source of revenue, and other Arabs, for religious or nationalistic reasons, are determined to get back the lost sectors of Jerusalem. Moreover some see the west bank of the Jordan as the place to establish a Palestinian Arab state, perhaps linked in a confederation to King Hussein's government. This notion seemed to make headway last week when Palestinian Arab leaders said they would be willing to discuss creation of a separate state, and no longer demanded that the state of Israel be dismantled.

The Israelis persistently equate territory with security. One of their propaganda brochures vividly illustrates this preoccupation by showing that an Egyptian base located near the Sinai town of El Arish would put enemy aircraft only nine minutes flying time from Tel Aviv, and that giving up the west bank would reduce the width of Israel to 10 miles or less in certain spots, thereby increasing its vulnerability. The Israelis also argue that they will not bargain over Sharm El Sheik, which stands at the entrance to the Gulf of Aqaba and protects their port of Elath, and they are adamant about keeping the Golan Heights, which overlooks the Jordan and Hula Valleys, their most productive agricultural areas. Mrs. Meir the other day again underlined her resistance to yielding territory by rejecting any suggestion of a deal on the west bank and repeating that the Palestinian Arabs ought to be absorbed into the state of Jordan. Several experts submit, however, that any such suggestion is obsolete. The Palestinians, they say, have developed a genuine national consciousness and unless settled in a land of their own will be an agitating influence in other Arab countries and create a potential hazard for Israel.

Controversial as it already is, the territorial issue has been further confused by the language of UN Resolution 242, passed six years ago, which is to serve as the basis for the forthcoming negotiations. The resolution calls on the Israelis to quit regions they conquered in 1967 and gurantees them "secure" boundaries, but different texts leave the resolution open to divergent interpretations. The English version states that the Israelis must withdraw "from territories" occupied by them, and they read this to signify that they can retain some of the real estate they acquired. The Arabs prefer the French version because French grammar requires an article before nouns, and hence the phrase "*des territoires*" can be translated as "from the territories" and be construed to mean that all the areas taken over by the Israelis must be returned.

Although Kissinger has not yet come forth with a Middle East peace plan—and may not have one at this stage—the view is widespread in Washington that the administration is leaning on the Israelis to make territorial concessions. One recommendation making the rounds would demilitarize the Sinai, the Golan Heights, the west bank and the Gaza Strip under a UN peacekeeping force responsible to the Security Council. Senator Fulbright, aware of Israel's distrust of the UN, recently revived a proposal to supplement international guarantees for the security of the Israelis with a bilateral arrangement that would obligate the US to defend them, by force if necessary, in the event their "recognized" borders are violated. The Israelis, whose lack of faith in Fulbright is matched by their distrust of the Arabs, rebuffed that idea when it was originally floated three years ago. They are equally cool to other suggestions that they formally rely on the US for protection, since they can conceive of instances in which American and Israeli interests may differ and they fear being bound by explicit dependency. Still, a prevailing view within official US circles holds that a Middle East settlement is impossible unless the Israelis pull back their present frontiers in exchange for some kind of outside guarantee of their security.

President Nixon promises that the US and the Soviet Union will use their influence to "expedite" rather than "impose" a settlement, which seems to mean, if their behavior thus far is any clue, that the big powers ought to cooperate to induce their protégés to compromise. The way the plight of the Egyptian Third Army was handled is an example of how this cooperative effort might work. The Israelis surrounding the thirsty Egyptian troops on the eastern edge of the Sinai planned to employ their advantage to achieve other objectives. But the Russians intervened diplomatically, and, as a consequence, the US swayed the Israelis into permitting the resupply of their trapped enemy. At this writing, the Soviet-American cooperative effort has failed to break the impasse over prison-

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That 3 am Alert

"There has to be a minimum of confidence that the senior officials of the American government are not playing with the lives of the American people." Thus Secretary of State Kissinger parried a reporter seeking to clarify the reasons for the President's worldwide alert of US forces during the Middle East crisis. His evasive reply went to the heart of the problem. For "a minimum of confidence" in Mr. Nixon and his administration is precisely what is missing, and so, unless it is explained satisfactorily, his extravagant military deployment will inevitably be regarded as having been uncalled for. It may be that the Russians were indeed preparing to send seven of their airborne divisions into the Middle East, as intelligence sources are said to have reported. If so some response by the President was in order. But Mr. Nixon's reaction was so excessive as to arouse suspicion that he was trying, once again, to divert attention from his troubles at home.

It is not the press but the President who inspires doubt when he boasts on the one hand of enjoying excellent personal relations with Leonid Brezhnev and then neglects in a crisis to use the "hot line" to confer with the Soviet leader. He also invites wonder about his faith in the democratic system when he initiates a military alert without consulting key members of Congress. And he raises further questions about his fidelity to European allies when he then fails even to advise them of his dramatic, 3 am decision. But the most puzzling thing of all was the magnitude of his move.

Time and again the President and his aides have stressed that the "precautionary" alert by no means represented a "confrontation" with the Kremlin. What then was it? Not only did the episode involve more than two million Americans in places as disparate as Alaska, Panama and Okinawa, but the Pentagon ordered B-52s carrying nuclear bombs to take up positions they would assume in war. And even after the crisis had abated last week, an aircraft carrier and five destroyers were sent into the Indian Ocean.

Rebuking the press, Secretary Kissinger called it symptomatic of what is happening in America "that it could even be suggested that the US would alert its forces for domestic reasons." It *is* symptomatic. But considering the "minimum of confidence" in the President, how could it have been otherwise?

ers. Despite an agreement reached between Kissinger and Soviet leader Brezhnev in Moscow, making the exchange of prisoners a separate humanitarian issue unrelated to other matters, the Egyptians have delayed trading captives in an attempt to force the Israelis to retreat to the October 22 cease-fire line, and the Russians have done nothing to prevent that harsh maneuver. Soviet conduct on the prisoner issue, which is by no means a minor detail, logically raises the question of how the Russians intend to behave when larger differences arise in the negotiations between Arabs and Israelis.

From the outset of the Middle East crisis early last month, the Russians acted with complete disregard for their past pledges to President Nixon "to remove the threat of war and to create conditions which promote the reduction of tensions." They urged the Arabs to escalate the fighting and provided them with the weapons to do so because, under their own set of priorities, their goals in the region appeared to them to outweigh the embryonic rapprochement with the US. Among those goals is the Kremlin's hope that American support for Israel will antagonize the Arab oil producers, prompt them to cut back output and, by penalizing the West Europeans and Japanese who mostly depend on Middle East petroleum, drive a wedge between them and the US. The squabbles that have surfaced between the US and its Atlantic allies since the war suggest that the Soviet strategy is working, and there is no reason to believe that the Russians will abandon it even though they pay lip service to the goal of global stability. As the discussions between the Arabs and Israelis broaden, given the suspicions that already exist in the area, the Russians will have ample opportunity to aggravate tensions, if they so choose.

All this has not eluded President Nixon. In a private briefing of congressional leaders a week or so ago, according to James Reston, he etched a dark picture of Soviet objectives in the Middle East, speculating that the Russians are striving to dominate the region, control its oil, and stimulate the spread of communism in Western Europe and Japan. Whether or not that dour reading is credible, it seems puzzling that the President should be alarming congressmen in secret while exuberantly proclaiming to the public, as he did in his televised news conference on October 27, that the outlook for "a permanent peace" in the Middle East is "the best it has been in 20 years." The difference between his private apprehensions and public oratory suggests that the President may be trying to generate the impression that his policy of détente with the Soviet Union is thriving even though he personally has doubts about its present and future health. Could it be then that, on top of his deceptions about Watergate and its aftermath, Mr. Nixon is deceiving us about the realities of life and death in the Middle East and, for that matter, in the rest of the world?

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A Mixed Blessing

TVA after 40 Years

by Peter Barnes

Knoxville

When the Tennessee Valley Authority was created by Congress in 1933, it was conceived of not only as an effort to revitalize an eroded and impoverished region, but also as an experiment in public enterprise from which the whole nation could learn. "If we are successful here," President Roosevelt said, "we can march on, step by step, in a like development of other great natural territorial limits within our borders." Forty years later the returns on TVA are pretty much in. There's been good and there's been bad, with the former far outweighing the latter, but there has not been any marching on to other regions.

Dams had been built before, and electricity generated by public authorities, but never had a single federal agency been given such broad responsibility to develop the natural and human resources of a region. And this was no ordinary federal agency. It was headquartered in the Tennessee Valley not Washington; it was not part of an established department, or subject to civil service regulations (though it was required to hire on merit alone); and many of its powers, including the power to spend self-generated revenues without congressional or Budget Bureau approval, were akin to those of private corporations.

The river basin TVA was charged with developing was vast, beginning in the mountains of Virginia and North Carolina, winding through Tennessee, curving across northern Alabama and Mississippi, then back up through Tennessee and Kentucky to the banks of the Ohio—in all, an area larger than England and Scotland. There was little in the way of industry, most of the forests had been cut, and one-crop farming had depleted most of the topsoil. Intense rainfall had flooded villages and washed away much of the soil that was left. Income was less than half the national average, and many families were lucky if they earned $100 a year. By the 1930s few could hope that things would ever get much better.

The Tennessee Valley had one unusual asset, however—a government-owned nitrate factory sitting idle by the river at Muscle Shoals, Alabama. Woodrow Wilson's administration had built the plant, along with a steam electric generating station and a dam to provide hydroelectric power, as a wartime precaution against loss of Chilean nitrates. After the war scores of bills were introduced in Congress to sell the Muscle Shoals facilities to private enterprise. One measure that passed the House would have given it to Henry Ford for five million dollars (it had cost the government nearly $100 million to build). The controversy raged for more than a decade, with Senator George Norris of Nebraska, chairman of the Senate Agriculture Committee, repeatedly blocking any giveaway to private interests. Norris' idea was to use the dam to generate low-cost public power, which then could be applied as a yardstick against private utilities. He found support among farm-belt representatives who were less interested in public power than in the fertilizer that could be produced by the nitrate plant. In 1928 and again in 1931 Congress passed Norris-sponsored bills to authorize government operation of Muscle Shoals, only to see the bills vetoed by Presidents Coolidge and Hoover. Finally Roosevelt and Norris joined forces to create TVA.

The TVA Act established a three-man board that Roosevelt quickly filled with dedicated progressives: Arthur E. Morgan, an engineer; Harcourt A. Morgan, an agriculturalist; and David Lilienthal, an attorney with experience in public utility regulation. After turning aside a challenge to its constitutionality, TVA began to move. Dams were built and electricity marketed; fertilizer was produced at Muscle Shoals and distributed to thousands of "demonstration farms"; millions of tree seedlings were planted. In World War II the military needed aluminum and atomic fuel; TVA provided power for both. By 1945 TVA had transformed the face of the valley. The bold experiment was hailed as a dramatic success, but with success came a certain encrustation. TVA became chiefly a power producer. The times were changing but TVA didn't change with them—or so some of its old friends said. What is the record?

Power production. A mark of the Tennessee Valley's underdevelopment in 1933 was that only one farm in 30 had electricity. The private utilities franchised in the region preferred to serve only the high-density, high-profit urban markets. Their output was low and their rates were high. TVA quickly changed that. It encouraged farmers to set up cooperatives to distribute cheap power from TVA dams; the success of this program prompted Roosevelt to launch the Rural Electrification Administration. Cities were urged to establish municipal power agencies and they did so in rapid succession. Knoxville voted 5124 to 2602 to

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switch from private to public power; in Memphis the vote was 32,735 to 1868; similar referenda followed in one town after another. The private utilities were in retreat, and TVA completed the rout by acquiring the properties of Commonwealth & Southern, a holding company whose president, Wendell Willkie, fought TVA at every turn and lost. Today only a single small private power company is left in Tennessee, and TVA's 160 cooperative and municipal distributors extend into six surrounding states.

From the beginning TVA's rates were designed to promote maximum use of electricity. In 1933 the going price for electricity to home consumers in Tennessee was over five cents per kilowatt hour; by 1972 TVA had brought it down to one-fourth of that, though rates are rising now. Power lines sprung up everywhere; farmers bought refrigerators, freezers and electric farm equipment; builders and owners put electric heating in one-third of the region's homes; industry flocked to the area, along with the Atomic Energy Commission (Oak Ridge, Tennessee and Paducah, Kentucky) and NASA (Huntsville, Alabama). Private utilities in neighboring states lowered their rates and watched as volume and profits went up. The utilities' last attempt to undercut TVA—the Dixon-Yates proposal of 1954—fell on its face when it was discovered that the Budget Bureau official who was pushing it was also associated with the First Boston Corporation, Dixon-Yates' bankers.

In recent years TVA's commitment to low-cost energy has put it in conflict with many of its old conservationist friends. Nearly 80 percent of TVA's power is now steam-generated, the hydro capacity of the river having been fully captured by the early 1950s, and TVA has become the world's largest purchaser of strip-mined coal. TVA critics find it ironic that the agency that so radically restored the valley is now causing, through its patronization of strip-mined coal, vast destruction of hills and farms.

Economic development. That the Tennessee Valley has advanced economically since the 1930s, and that much—though not all—of this development is attributable to TVA, is indisputable. Income throughout the region has risen to three-quarters of the national average; outmigration, especially of the young, has not been stopped but it has been slowed. The work-force, which was over 60 percent agricultural in 1930, is now 90 percent nonfarm. Aluminum, chemical, paper and pulp, and other industries have located in the region in large part because of TVA power and water transportation. Over 80 percent of the new industrial jobs have been outside metropolitan areas, typically at riverfront sites. Once-sleepy towns such as Decatur, Alabama, Calvert City, Kentucky and New Johnsonville, Tennessee have become thriving manufacturing centers, offsetting the influx into already congested cities.

But TVA's dam-building approach to economic growth is no longer so uncritically accepted. A case in point is the proposed Tellico dam, which would flood the last wild stretch of the Little Tennessee River, as well as the historic heartland of the Cherokee nation. Tellico won't add much hydro power or flood control capacity, but TVA says it's needed to create new industrial sites. Opposing the dam are environmentalists, trout fishermen and Indians who contend that there are ways to create jobs without building more dams, and plenty of industrial sites elsewhere in the region.

Another criticism heard of late is that TVA's approach to economic development subsidizes industry more than people; TVA presumes the benefits will trickle down, and some do, but that is not the whole story. The industry TVA brings in, say these critics, tends to be energy-intensive rather than labor-intensive; often it is also low-wage. Moreover TVA's rates are weighted in favor of industry and the AEC at the expense of consumers and farmers (average wholesale rates are 5.86 mills per kilowatt hour to the AEC, 6.31 to industry and 7.18 to cooperatives and municipals), and TVA's earnings, much like a private utility's, are sent back to Wall Street and Washington ($111 million to private bondholders and $74 million to the US Treasury last year). "TVA is a Robin Hood in reverse, robbing the poor to pay the rich," says James Branscome of the Highlander Research Center.

Resources. TVA was given the dual task of developing and conserving the Tennessee Valley's resources. In the 1930s there was no contradiction between these goals; development and conservation meant the same thing. The most obvious task was to turn the abundant rainfall of the Tennessee Valley into a constructive rather than destructive force; this was accomplished through the building of dams, locks and hydroelectric turbines. An equally important challenge was to restore the eroded soil. This required a shift from such soil-depleting crops as cotton, corn and tobacco to soil-building crops like legumes and alfalfa. In the first of many breakthroughs at Muscle Shoals TVA developed a concentrated form of phosphate fertilizer which it made available—free, at first—to farmers throughout the area. It then teamed up with county agricultural agents to show farmers how to use the phosphate and switch to new crops and livestock. Some 20,000 farmers—about one in 10—volunteered to become "demonstration farmers": they were given fertilizer and advice on the condition that they let their neighbors learn from their experience. The rutted, washed-out farms of the 1930s turned into verdant pastures dotted with cattle; farm sales rose twentyfold to an average of $6000 per farm.

Nowadays development and conservation of resources are not always compatible. TVA has acquired and set aside thousands of acres for recreation and environmental education. It continues to manufacture new fertilizers and produce tree seedlings for reforest-

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ation. At the same time it has become a die-hard builder of marginal dams (its engineering staff must be kept busy, cynics say) and as noted earlier, a voracious consumer of strip-mined coal. TVA Chairman Aubrey Wagner, an engineer who rose through the ranks, has stated on many occasions that the technology of land reclamation is so good that strip mining is perfectly conscionable. Since 1965 the agency has required its coal suppliers to make some effort to reclaim the land they strip, and it has accepted, if not embraced, the idea of federal strip mine legislation. But it has strenuously opposed strip mine abolition (though, as EPA Chairman Russell Train pointed out last month, only three percent of the nation's coal reserves are classified as strippable), and has launched nothing comparable to the early farm and forest programs to repair the damages wrought by its own quest for fuel.

Regionalism and democracy. TVA has long been a model of decentralized administration and a self-proclaimed practitioner of "grassroots democracy." It has worked wherever possible with state and local institutions and stimulated the creation of such institutions where none existed. Thus instead of marketing its own electricity TVA urged co-ops and cities to do the job. It has started library, mobile health and garbage disposal projects and persuaded local governments to keep them going. It has worked with land grant colleges in agricultural matters and made its planning skills available to communities that requested them. All the while it has fought off back-door attempts by Washington-based departments to undercut its autonomy and multipurpose activities.

There is something very appealing about this close-to-the-people regionalism yet it isn't always as democratic as TVA claims. There's a growing feeling in the valley that TVA is less attuned to the grassroots than to the industrial constituency it created; that it responds to its own bureaucratic imperatives more than to the concerns of local citizens. It's also pointed out that the presidentially appointed directors in recent years have not had the broad social vision or guts of the first three, and that there's no mechanism for holding them regionally accountable. "TVA ought to be turned over to some sort of locally elected board," says Tom Gish, publisher of the Whitesburg, Kentucky *Mountain Eagle*. "It acts like the king's emissary sent out to run the colonies."

What lessons can be gleaned from the TVA experience? First, that public agencies clothed with certain powers of private corporations can perform valuable public functions. No single federal or state agency, or even a bunch of them coordinated through a committee, could have uplifted the Tennessee Valley the way TVA did. It's also clear that at least some military facilities can be profitably converted under public ownership to peaceful endeavors, and that public corporations are not the wasteful, noncompetitive slugs they are often said to be. TVA's record of on-time, on-budget performance is unsurpassed; its frills are minimal and its rates have been extraordinarily competitive. It has helped make private corporations more competitive too, by exposing both overinflated prices and outright price-fixing conspiracies. (It was TVA's publication of identical bids that led to the indictment and conviction of electrical machinery executives in the 1960s.) And TVA has shown that public corporations can be extremely innovative. In the fertilizer field it has pioneered not only new products but new manufacturing techniques, and always made its patents available nonexclusively. It is currently studying ways to use the heated water discharged by electric power plants for agricultural purposes (in greenhouses or piped underground to extend the outdoor growing season).

At the same time the TVA experience shows how difficult it is to keep public agencies imaginative, responsive to changing times and perceptions. This is a problem that is hardly unique to TVA; perhaps some solutions lie in popular election of directors or periodic creation of new agencies to bypass those that have become inert, distant, or indentured to special interests.

Another lesson is that there are limitations as well as benefits in the kind of development strategy employed by TVA. Transportation and power networks are, of course, essential to any region that seeks to industrialize, but they have little to do with the way income and wealth are distributed within that region or between that region and the rest of the country. Poverty has persisted in the Tennessee Valley, as throughout Appalachia and the South, because wages have remained low and most of the profits have gone to absentee owners. The need now is not so much for dams and waterways but for community-owned enterprises and higher taxes on absentee-owned firms, especially those that export nonrenewable resources. Kentucky attorney Harry Caudill, among others, has argued for severance taxes on coal and a public utility district approach to economic development. The districts would own land, coal, industries, etc.; their boards would be locally elected; their profits would be retained for schools, health centers and other public needs. In its early days TVA fought hard for locally owned electric distribution systems, but otherwise it has steered away from such issues as ownership, taxes and wages.

Franklin Roosevelt envisioned a series of regional authorities tied to other river basins—the Missouri, the Columbia, the Arkansas—as well as the tides of Passamaquoddy Bay. Bills were introduced to establish as many as 10 regional agencies and President Truman gave them a push after World War II, but they never found enough support in Congress; opposition from private utilities, the coal industry (which has a strong distaste for hydro power) and the Corps of Engineers

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was always effective. The lessons of TVA seem to have been applied in reverse: government-built aluminum plants were sold to private interests after World War II (Lilienthal had proposed that TVA keep one aluminum plant, accounting for five percent of total production, as a yardstick against the aluminum oligopoly); grassroots agencies such as the Farm Security Adminstration and OEO were dismembered; the Appalachian Regional Commission was expressly prohibited from spending funds on public power.

Foreign countries, by contrast, have learned from TVA. India, Iran, Colombia and others have set up agencies patterned after the US model, and American Presidents have tried to tempt obstreperous foreigners with promises of aid for TVA-like efforts on the Mekong and Jordan rivers. Only in its homeland is TVA an overlooked relic of another era. It was, it now seems, a product of unique circumstances (the Muscle Shoals controversy), unique times (the Depression) and unique personalities (Norris and FDR).

The System's Not Civil

Decay in New York's Civil Service

by Robert G. Wilmers and William F. Reilly

Why, with an annual budget of $10 billion and a Civil Service of 400,000 employees is New York City as bad as it is? London, Paris, Tokyo, Copenhagen, Mexico City and Amsterdam are run for less money *combined* than New York, and, at least to the casual visitor, run much better. A major reason is the smothering of talent and initiative by an archaic Civil Service system instituted in a wave of Victorian reform 89 years ago, and which has evolved as a staunch barrier to change. Pouring money into the city's treasury will do little to improve matters as long as the machinery of day-to-day government is in the hands of this bureaucracy. State Controller Levitt's recent audit of the New York City Department of Social Services, for example, reported: "At one center a clerk was observed reading a magazine, newspaper and textbook intermittently throughout the day. The same day this clerk worked two hours overtime for which she received overtime compensatory leave. At another center an 'exercise' group met 3 out of 4 days from 10:30 to 11:00. After the exercise period, the employees would take a break and relax. At the same center several employees moved a filing cabinet so that they could play 'beauty parlor' unobserved. Employees asleep on the job, talking on the phone for extended periods of time and reading materials not related to work were problems in all centers visited."

In the municipal hospital system the average waiting time in outpatient clinics last year was 74 minutes. In the city's Finance Administration one long-term civil servant carefully scattered papers over his desk every afternoon, then proceeded to take a nap. Of the Police Department the final report of the Knapp Commission said: "By far the most widespread form of misconduct the Commission found in the Police Department was the acceptance by police officers of gratuities in the form of free meals, free goods, and cash payments. Almost all policemen either solicited or accepted such favors in one form or another, and the practice was widely accepted by both the police and the citizenry, with many feeling that it wasn't corruption at all, but a natural perquisite of the job."

When William Marcy "Boss" Tweed and his pals in Tammany ruled New York City, the jobs and livelihood of city employees were dependent on the support of elected officials. In return, municipal workers became the footsoldiers and, in certain cases, the officers of an extremely effective political machine. Professional civil servants did not exist, and no man drawing a city salary (many of whom were newly arrived immigrants) dared cross Tammany. It was a neat system. Reportedly the Tweed gang embezzled over $20 million from 1868 to 1871, a remarkable feat of banditry in any circumstance, but only made possible by the organization's complete control over the personnel and machinery of city government.

In recent years by contrast, despite an occasional

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shocking scandal, wholesale corruption by senior city officials is almost impossible, probably not because of an elevated moral level, but rather because of the risk that some observant and independent civil servant would "blow the whistle." The supreme irony of the sensational Marcus scandal during Mayor Lindsay's first term was the piddling bribe paid to the "sophisticated" water commissioner—$16,000—an amount that would have caused Richard Croker, Tammany boss in the 1880s and 1890s, to giggle. Croker supposedly extracted over $5 million from various city sources during his day. In due course he retired to a baronial estate in England to raise thoroughbred horses, eventually reaching the pinnacle of British turfdom by winning at Epson Downs.

The Victorian reformers crying "an independent Civil Service" swept the country in the 1880s and laid the foundation for the modern Civil Service system. Today it is not the Croker-type swindle that is costing the taxpayers, but rather the dollar drain from the inefficiencies and rigidities of the Civil Service system. Croker couldn't steal in a year what is lost in a month of municipal ineptitude. For instance it costs the city about $42 a ton to pick up garbage while private cartmen charge about $28 a ton for the same service. From June 20 to September 20, city employees work from 9:00 am to 4:00 pm (a carry-over from pre-air conditioned days), with an hour off for lunch and two 15-minute coffee breaks, a work week of 27.5 hours, regardless of whether offices are air conditioned or not. New York firemen work, on average, about 40 hours a week including stand-by duty; in Los Angeles, their counterparts work 56 hours a week. New York sanitation workers in recent contract negotiations proposed that they be paid for three additional holidays on top of the 11 already enjoyed, including the birthday of John V. Lindsay.

How does a person enter the Civil Service and how does he advance? Very simply, he takes and passes a Civil Service exam for one of a huge variety of jobs. In 1971 there were 3679 different job titles. You can take an exam to become a hostler, a gas roller engineer, a day camp consultant, a door-stop maintainer, a film editor, a glazier or a railroad porter. A typical test to become a sanitation man includes such questions as:

► What word means most nearly the same as VARIOUS, A) dangerous B) noisy C) outdoor D) several.

► The Mayor of New York City normally conducts his day-to-day official business in A) The Municipal Building; B) offices in the Roosevelt Hotel; C) Gracie Mansion; D) City Hall.

► South Vietnam is located in A) Africa B) Asia C) Europe D) South America.

Until recently the city's Department of Personnel maintained the pretense that passing a Civil Service test was only one criterion for advancement, and that job ratings prepared for each employee by his superiors were also important. In practice the ratings were meaningless because supervisors, following the "I'm all right Jack" tradition, almost never gave even the worst incompetents low ratings. Finally, in 1970 the city's Civil Service Commission eliminated the job rating sham, leaving test-taking ability and seniority as the main criteria for selection and promotion. So in effect, how an individual actually performs on his job and his supervisors' views on his promotability are completely *excluded* from the procedure for promotion.

The top score on a Civil Service promotion exam is 105 points. Under the old system, 50 to 75 points were based on the written exam, 10 to 35 points on performance, 15 points on seniority, 2.5 points for veterans and 5 points for disabled veterans (veterans are only allowed to take advantage of their status once in their exam-taking careers). The new system provides for 85 points for the test and 15 for seniority, while veteran bonus points remain the same. The winner in the Civil Service derby is the thoroughbred test-taker, multiple-choice variety.

The present system for determining who will be promoted is that each year or every few years, depending on requirements, the city's Personnel Department announces that a test for a higher position will be given. An example would be the clerical series. The entrance position for this series is called "clerk," and the top title in the series is "administrative manager." In between, the ambitious person must test his way through the ranks of senior clerk, supervising clerk, administrative assistant, administrative associate, senior administrative assistant. The present salary excluding fringe benefits for a clerk is $5200 per year; an administrative manager can earn over $30,000 per year.

A typical rank in the clerical series would be supervising clerk, similar to, say, a department head in the telephone company. How do you get to be a supervising clerk? You must start as a clerk and move along. This "start at the bottom" philosophy, though it sounds egalitarian, deters able people from entering the Civil Service. Why should they when more attractive positions are available elsewhere?

When the supervising clerk exam is announced, all senior clerks, except those who realized a long time ago that the art of test-taking was not their strong suit, sign up for the test. After a delay averaging about two months, the test is held. Grading the exam papers and publishing the promotion list takes another six months. The list itself when finally published has the name of each person who has "passed" the test and therefore "qualified" for promotion, ranked in order. The champion test taker is number one, and so on down. There's one slight hitch, however: anybody on the list who is promoted must be a senior clerk for at least one year.

The next step is the actual promotion. Each city agency that needs supervising clerks will "canvass"

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the list. The agency may already have the world's greatest expert in a particular narrow field of knowledge, who knows the work intimately, but he cannot be promoted *even if* he is on the list until all persons ahead of him have been promoted first.

In the Bronx City Collector's Office, one test wizard was promoted to administrative assistant at a yearly salary of $9300, yet is so incompetent that after being given four different assignments that he could not handle he has had to be reassigned as a messenger. He nevertheless draws a manager's salary, and if successful on the next test, may advance even higher in rank and salary. Each time an individual is promoted he is on probation for the first six months, and during such period he can be demoted, but this seldom happens.

In the Health Services Administration, the man responsible for the successful Rat Control Program in Harlem failed to pass a senior public health sanitman test and thus became ineligible to remain in his position, despite his initiative, drive and outstanding work.

Job security and freedom from political pressure are meant to be major assets of Civil Service. Civil servants are tenured and may only be fired for cause or during the six-month probationary period after appointment. However the reports at budget time of imminent municipal bankruptcy, cries for greater productivity and threats of massive lay-offs make the average civil servant feel that his job is threatened even if the threat has no reality.

On the other hand job security means it's extremely difficult to fire or discipline a civil servant for causes other than theft. Any dismissed employee has the right to appeal to the courts, which have a tendency to rule in the employee's favor if there is nothing detrimental in the personnel file. Usually the file is without taint of prejudice because of supervisors' known dislike for writing negative reports. In a recent court case a bus driver was observed during an 18-day period by an inspector to be regularly pocketing fares. As a result he was dismissed by the Transit Authority. The bus driver contested his dismissal in the courts and a judge ruled "The dismissal of petitioner and forfeiture of his accrued pension rights constitute unreasonably harsh and excessive sanction. We do not condone petitioner's conduct in the handling of fares . . . nevertheless, petitioner's outstanding service of 21 years as a bus driver for the Authority without any prior charges or complaints indicates that the permissible aims of discipline can be achieved effectively by less severe punishment."

In another case *The Chief*, a newspaper geared to the Civil Service, reported "The dismissal by the Housing and Development Administrator of a Building Inspector, after he had pleaded guilty to a felony charge of bribery, was annulled in the State Supreme Court as based on 'an error of law.' "

In a third case a policeman was fired for accepting gratuities. But since he had been on the force for 22 years including 10 as a sergeant, with no prior record of similar offenses, the judge found the punishment of dismissal unduly severe and directed that he be reinstated after a two-year suspension.

If an employee is not performing his job properly, an agency may send him to a city-run diagnostic clinic, and if the findings of the agency are confirmed by the clinic the individual may in time be dismissed. This, however, is by no means a simple procedure. In the Finance Administration we had a lady whose performance in four different offices was unsatisfactory; she hit one taxpayer in the nose and spat in the face of another. The diagnostic clinic for psychological testing sent us the following report: "Mrs. Adelaide Smith [the name is fictitious] recently underwent our Health Evaluation screening. Our routine studies included the following components: Urinalysis, Hemoglobin, Hematocrit, Post-prandial blood sugar, tonometry, visual acuity, chest X-Ray, proctoscopy, vaginal examination, Papanicolaou smears, EKG and a general physical examination . . . the patient is an alert, coherent woman with no manifestations of psychosis, depression or deterioration. There is evidence of a rather difficult personality. We would suggest that the patient is still capable of working. . . ."

The crushing irony is that the old snake in the grass—political pull—still plays a big role in the lives of city employees. Those with good political connections often receive generous merit increases. Raises of 50 percent are not unknown, particularly during election years. Since senior management is usually anxious to do small political favors, it is not uncommon for a city councilman, a congressman or a political district leader to complain to a commissioner that a middle management supervisor is harassing one of his constituents who works for the supervisor. Often the commissioner will reprimand the supervisor, with obvious results: the politician will have garnered a vote, the commissioner will have a political IOU to cash in when he needs support in the future, the clerk will have obtained retribution, and the city will have lost a potentially effective manager.

Many high-level positions in city government are held under political appointment by people who have no proven ability for the jobs. There is, for example, a gentleman who joined the city government six years ago at 60 years of age and is today earning $20,000 a year after having spent an entire career in different agencies of the federal government at a maximum salary of $6000 per annum; and there is at least one commissioner who, after an undistinguished career as a clerk in private industry, is now earning $35,000 a year. The political appointee is best off keeping everyone happy. It's the public that suffers.

When the city income tax was instituted, the Finance Administration had a desperate need for over

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200 accountants, and so informed the Department of Personnel. A notice of examination was advertised, examinations were given and graded and we were provided with a list of those who passed—89 out of 300. Letters were written to all 89 informing them of our interest and asking them to come in to be interviewed. Nine showed up. The chief accountant in the Income Tax Bureau wrote in a report, "Of the people hired, one person is already a provisional on our staff, two have histories of mental illnesses but appear to have recovered, and the fourth has been retired from his previous occupation. Of the five persons passed over one seemed not qualified, another is currently working in the Department of Finance in another higher title, two seemed to be mentally unbalanced, and the fifth had a very negative attitude."

What happened to the other 80 people? We are not sure of the answer; however a recent report on Civil Service reform prepared by the city administrator's office indicates that those scoring highest on the tests have job alternatives available and just won't wait the months that elapse between the closing date for application and the date of the first appointment. This delay averaged seven months in 1970 and 4.5 months in 1971. In other words the testing system is built on the faulty premise that good people will take temporary employment, collect unemployment insurance or stay in jobs they hate while waiting to be tapped for city employment.

In private industry if there's an urgent need for additional employees and little success in getting them, presumably the employer would make the conditions of employment more attractive. When we couldn't hire enough accountants we recommended to the Personnel Department and the Budget Bureau that accountant salaries be raised. That request was turned down because an increase in the salary of one Civil Service position could have a deleterious effect on the whole collective bargaining procedure. Instead, in order to attempt to satisfy our needs, the Civil Service requirements for the position of accountant were lowered. Even then it was impossible to fill the jobs. Those hired were unable to perform the quality and quantity of work required. In the long run it probably would have been cheaper for the city to have increased the pay levels as recommended because the department was prevented from collecting all anticipated revenues due to insufficiency of staff.

Normally when a city agency hires a new employee from a list, it doesn't check references or his reputation on previous jobs. It merely "processes" him, including fingerprinting, on the assumption that his standing on the Civil Service list is the principal criterion for selection. In the Finance Administration we did start checking references. The results were revealing; many of the references from prior employers were poor, other individuals had held 20 or more jobs in the preceding 10 years, several had unaccounted-for years in their background. But they all had two positive things in common—their FBI files (checked through their fingerprints) contained no derogatory information and they had passed the city's multiple-choice Civil Service exam.

Since 1950 the city has drawn its clerical and office work force from essentially three groups: 1) Housewives either returning to work or entering the job market for the first time; 2) retirees from federal government and other walks of life (City employment provides a special incentive for former federal workers since it entitles them to social security benefits, which for some odd reason, are not available to them as federal employees.); and 3) people who have bounced from job to job during their lifetimes and enter the Civil Service for security.

The first two categories of people, although they are usually older and therefore aggravate the problem of superannuated staff, usually are energetic workers. Generally, however, the city is not recruiting people who want a career in municipal service, are motivated toward change, and looking forward to positions of responsibility. Why is this so, when city salary levels and fringe benefits have risen dramatically making them competitive with private industry, when many young people are interested in urban problems, and when the challenges and opportunity for job satisfaction are potentially great?

New York's Personnel Department and individual agencies have made efforts from time to time, with only limited success, to interest young college graduates in city work. They haven't had much success because the young graduate perceives Civil Service as a numbing bureaucracy where advancement is based on an absurd testing system, not job performance, plus some political pull (not such a bad guess). In addition the entrance positions are not attractive. Although the top of the clerical series is an administrative manager who can earn over $30,000 a year and holds key positions throughout the city, you can't become one, with rare exception, unless, as noted, you start as a clerk—entrance salary $5200. And finally the city Civil Service is demoralized, and neither identifies nor rewards merit.

Solving the "urban problem" will be the country's greatest domestic priority in this decade. But when the rhetoric is stripped away the major role will be played not by articulate politicians but by the administrative machinery of the city. Insofar as that machinery works at all today in New York, it is because of the extraordinary talent that entered city government during the Depression years and is still at work. But this group is either at or nearing retirement age.

Is New York City unique in this as in so many other ways? What about Boston, Chicago or St. Louis? Might they not also badly need a revival of Victorian reform, directed this time *at* the Civil Service?

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Stanley Kauffmann on films

I. F. Stone's Weekly

(I. F. Stone Project)

The Way We Were

(Columbia)

When I. F. Stone started his independent weekly in 1953, because his newspaper career had been blasted by political blacklisting, he said to his wife, "Honey, I'm going to graduate from a pariah to a character, and then if I last long enough I'll be regarded as a national institution." A man who has that kind of humor about his courage at the same time that he's no-kidding courageous doesn't have to worry about praise or overpraise. He will outlast his garlands. But he's got a very good garland in *I. F. Stone's Weekly*, a 62-minute documentary film by Jerry Bruck, Jr. It took three years and a lot of shoestrings to finish, and let us all just say thank you to Mr. Bruck for saying thank you to Mr. Stone.

Looking like a kindly bespectacled chipmunk, Stone squeaks his falsetto "hello" into telephones, burrows into files, talks, laughs, thinks with wrinkles, walks, proofreads, writes, and enjoys himself like crazy in this picture. Like every consumed man, he knows that he is lucky, that "the true joy in life," as Bernard Shaw said, is in "the being used for a purpose recognized by yourself as a mighty one." Bruck has wisely caught Stone at several informal talks in universities, so we get a painless conspectus of his general views, with pointed instances. Bruck has also skillfully overlapped footage on Lyndon Johnson, Richard Nixon and Spiro Agnew with Stone's comments made *at the time* that the public and most of the press were swallowing official lines.

Stone's thesis in political reporting is simple, as these examples show. Every government is run by liars, and nothing they say should be believed; but a government always reveals a good deal if you take the trouble to study what it says. The true court of last resort is an informed public—or, to put it properly, the informed segment of the public. Stone is no sentimentalist about the Peepul. He began as a Communist anarchist and is now (his term) a counter-revolutionary who insists to college audiences that their "revolution" without politics is just childish tantrum. "You talk about Power to the People," he says to them in this film. "If people ever came to power, we'd all be in jail!"

The narration, reticent and apt, is by Tom Wicker of *The New York Times*. Some other professional colleagues get a raking from Stone in the picture. We see a TV clip of Walter Cronkite in Vietnam in 1965, mouthing the then-current pap about Marshal Ky. Superimposed we see Stone's comments *at the time* exposing the real Ky. How could one lone man have known the truth when a huge news organization did not? Merely by reading, filing, researching, remembering and—the paramount matter—*wanting* to tell the truth. Then we see Stone and an altered Cronkite meeting in 1970 when they were both given Polk awards, with Cronkite suggesting amiably that they get together some time and Stone saying "Love to, love to."

At that Polk banquet the president of the Associated Press, Wes Gallagher, gives a windbag speech about objective reporting. ("The refuge of the journalist . . . is his professionalism.") We see Stone listening. When he's called on to speak, he reminds the assembly about George Polk, the man for whom the awards were named—"the first journalistic victim of the Cold War" who wanted to report the agony of the Greek people but was "murdered by the Greek police" who tried to blame it on the Left. My only real criticism of Bruck's film is that he didn't show us Gallagher's face at this point.

The *Weekly* has closed down now. Stone was editor, reporter, production manager, etc., and it all became too much for him when he reached 64. The film's best sequence, in cinematic terms, is his last day at the printing plant two years ago. Typical of Stone is the way he walks out of the plant for the last time, obviously moved, but hurrying along to the next chapter of his journalistic life.

To show influence and inheritance, Bruck has included comments by two young journalists. Peter Osnos, now of *The Washington Post*, tells with wit and affection of the 10 months in 1965-66 that he worked for Izzie Stone and how difficult it was to keep up with his boss. And Carl Bernstein, of *The Washington Post* team of Woodward and Bernstein that cracked Watergate, speaks simply, touchingly, of Stone's "incredible respect for knowledge and for truth."

Bruck is a Canadian, 26, with a degree in history from Yale, who learned how to make films by making a documentary about Nixon's first inauguration called *Celebration*, which has been shown at some festivals. He began work on this second picture in 1970, making forays from Montreal on those occasions when Stone was doing something "shootable." Bruck's sense of balance and rhythm, his understatement, his editorial wit and keenness are all impressive. What could have been a gilded monument is a highly enjoyable film.

Your local theater manager is unlikely to book a 62-minute picture, no matter how good it is. Pressure him. He can run it as the second half of a nongargantuan double bill. *I. F. Stone's Weekly* is distributed by I. F. Stone Project, P.O. Box 315, Franklin Lakes, NJ 07417, telephone (201) 891-8240. It's available in 16mm form so high schools and colleges can get it. If you're an educator, do the next generation a favor and show them this film. Show them that, despite what's all around them, human beings *can* survive, possibilities *do* exist.

Occupied as he's been with politics, Stone has still kept open to art and the position of artists. (See, for instance, his pieces on Toscanini and Pasternak reprinted in *The Haunted Fifties.*) I wish he could find time in his still-busy life to review *The Way We Were*.

The script by Arthur Laurents is a

(continued on page 32)

Films Worth Seeing

American Graffiti. Small-town adolescents in the '60s. George Lucas transcends banality with cinematic insight.

Day for Night. Truffaut's best in some years, a valentine to filmmaking with some good filmmaking in it.

The Long Goodbye. Elliott Gould as a spoof-serious private eye, out of Raymond Chandler via Robert Altman's wit.

The New Land. Jan Troell, Liv Ullmann and Max von Sydow complete the Swedish-American epic they began with *The Emigrants*. Bravo.

SK

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A Fiction of History

Burr
by Gore Vidal

(Random House; $8.95)

Demystifying and iconoclastic accounts of major figures in early American history are hardly new, and can scandalize only the most hot-eyed Daughters of all those drummer boys who never banged a martial drum. For anyone with the slightest taste for gossip and scandal, such tales are wickedly pleasant to read as they must be to write. Speaking through Aaron Burr, who speaks in his mordant disenchantment very like Gore Vidal, Vidal has a field day with all manner of Founding Fathers, the more venerated the better. John Hancock "went to his grave furious that it was Washington and not he who had been chosen to command the Continental Army." Washington himself emerges, not for the first time, as a pompous ass, dull, tiresome, witless—as, in short, a shabby-genteel squire, land surveyor and failed speculator who married a rich widow and made good against the crushing odds of his natural endowments, but more than any of these as a hopelessly inept commander unable to win battles against a foe begging to be taken. Hamilton was a lecher, careerist and manipulator of men, notably the susceptible Father of his country. He was shrewd, clever, brilliant even, though utterly without scruple for all his superior airs, not a gentleman, hardly worth killing. Of the Virginia "junta" who, save for Adams, dominated federal politics for so long, only little Jemmie Madison (quickly the reader feels on familiar terms with the patriarchs) seems decent, honorable, worth his place in our hagiography.

The bigger the game, the bigger the guns: Jefferson is the villain of this piece. With Burr (and Vidal) one is not sure where the *final* villainy lay: what seems most unforgivable is not that the author of the Declaration kept a mulatto mistress (who happened also to be his slave) yet denied her though he fathered numerous progeny upon her; not that he was a mealymouthed hypocrite, slaveowner and desecrator of civil liberties for all his passionate espousal of the rights of man; not that he was a plotter, empire-builder, the self-professed great democrat who out-Hamiltoned Hamilton in fact; not that he tried twice to break the Supreme Court; nor even that he most cynically framed Burr on that treason rap. No, none of these; worse, that he too was a suffocating bore, though unlike the Father a learned one, by far the worst kind: a sort of sinister, humorless, tyrannous don who knew everything and was determined to reveal all he knew, at one sitting, to his comatose victim—while slyly stealing his purse.

Or so Burr would have us think—on, it must be admitted, rather compelling evidence. For it is Burr who dominates the novel: Burr's voice, Burr's perspective, Burr's presence. What, finally, should be made of Burr's brief for himself (which is to say Vidal's brief for him) is a problem for the historians, who are not, one gathers, afire these days to set the record straight. That he challenged the "Creole bastard" to a duel and wounded him mortally, is perhaps the best known fact of Burr's life, and not at issue. What is, is the motive which was not, the novel argues, that his old enemy had put it about that Burr was dangerous and not to be trusted with power—but rather that Hamilton had whispered (hoarsely) that the rascal was his own daughter's lover! (The startled—startled more than shocked—exclamation point is mine, not Vidal's. That old Roman boulevardier Vidal sees these things under the aspect of eternity.)

Vidal argues in an afterword, and again in a self-interview in *The Book-of-the-Month Club News*, that he chose to write a historical novel rather than outright history because the former allows the writer to "speculate on motives." Yet, oddly, he takes at face value Burr's interesting adoration of his daughter, which sounds to the contemporary ear surprisingly like that of an enraptured lover. On the other hand he spoke of his wife as if she were *his* mother, not his daughter's, though she was scarcely a decade his senior. His second wife he didn't talk about at all—he merely robbed her blind.

All this is to suggest nothing; it is simply to ask questions of a historical novelist given to speculating on motives. Scurrilous though Hamilton may have been in other respects, that kind of slander seems somewhat out of character. And the suggestion becomes all the more thinkable in light of Burr's curious pastime of keeping a journal during his European exile, intended expressly for his daughter's eyes, in which, to quote Vidal, he "described in great detail every sexual encounter." On the basis of the single example cited from the journal, the detail was great enough involving as it did notations (in French) on the clever positions the former Vice President assumed vis-à-vis (though that is *precisely* the wrong term, that French one) his agile companions. Stuff by which a gentleman-about-town might regale his friends—but what of Theodosia? Did she upon reading Papa's journal howl with laughter? Was she pleased to think his banishment was not as dreary as it might have been? "What was their relationship?" Vidal asks Vidal in the self-interview; and replies, "Perfect, I should think." Burr's grandfather, Jonathan Edwards, would have thought otherwise.

But one begins to sound like Edwards—or worse still, Jefferson; and that is not at all what I intend. I place myself among their well-wishers—Burr's and Theodosia's. At this remove in time, their perfect relationship, about which we are told too little, seems vastly more interesting than whether or not Burr had as his objective on the famous excursion the conquest of Mexico and annexation of Spanish America or the separation and secession of the western territories, about which we are told too much. Mexico, Burr insisted; the western territories, Henry Adams, among others, thought. Let it lie, I think. Burr, as we all know, was acquitted though never vindicated; and was condemned consequently to live as a pariah in the outer limbo of American history, a very shady character indeed, confused in the minds of schoolboys and their parents with Benedict Arnold.

Vidal, whose mother married a Burr descendant, does better than vindicate him. He presents us with a large, round, immensely engaging character, a novelist's, not a historian's, vindication. For this we can forgive Burr anything, even his Bonapartist dreams. In the novel he is everything our Fathers never were: witty, ironic, urbane, learned but lightly and gracefully so, gallant, accomplished, tactful (save perhaps in the bosom of

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his family, so to speak), a man of sense and sensibility though given occasionally to grandiose excesses—and something of a scoundrel, a magnificent scoundrel, with flair, temperament, high style. In short the Burr Vidal has redeemed is a London rake of the Augustan period, or a cavalier who might have written metaphysical sonnets and adorned the best salons and drawing-rooms, the best member of the best company, the man you'd most want to raise a glass of claret with. And if he sounds disconcertingly like his redeemer—well so much the better, for *Burr* is not, and is not intended to be, an exercise in literary parody, and Vidal's best qualities of wit, high polish, elegance and foppishness (which I intend as a term of praise) are perfectly suited to their subject. With such a father—how could any man properly husband Theodosia? Interestingly (for the motive-speculator) she chose a dim little man whom Burr, inevitably, despised, and perhaps not only because he was despicable. With such a father: Burr came within a stroke of the presidency in 1800, his for the taking, too much the gentleman to grasp it, and so never became a Father to his country, though he might have been—the novel comes down flatly for the proposition that he *was*—Van Buren's; and father too to another principal of the novel who came to betray and stayed to revere. But, like Hamilton, I am giving away the tale; and, like Jefferson, talking too much.

Saul Maloff

The Undoing (1875)

for R. G. Vliet

Buttons hooks
shirtwaist chemise
camisole lacy pleats

ruffles wire bustle
bone corset
warmed layers

of petticoats
snaps harnesses
sateen bloomers . . . .

But there she was.

MICHAEL NIFLIS

Theology by Sex

Beyond God the Father by Mary Daly

(Beacon; $8.95)

Mary Daly's new book is a bold effort to found a theology for the women's movement. Many will find this book startling and even repugnant. Mary Daly has little respect for orthodoxies, either Protestant or Catholic. She strives to break not only with orthodox theology, but also with the traditional logic and meaning of language, in order to reveal a new meaning over against the "insane sanity" of conventional rationality. For Dr. Daly, women are the ultimate outcasts of history, the submerged sexual caste within every class, nation and race. The liberation of women must break with established structures in a more radical way than any other movement.

How can such a theology call itself Christian? Dr. Daly maintains no pretense of continuity with the Judaeo-Christian tradition. For women, in her thought, there can be only one *regula fidei*—those forms of thought that vindicate the full personhood of women. By this standard the traditions of Judaism and Christianity are found wanting. This also means that feminist theology is open to the suppressed and forbidden traditions; the ancient mother and nature religions suppressed by patriarchy; the witches and heretics burned by Christians. Pre-patriarchal and anti-patriarchal traditions reveal themselves to be places of suppressed female autonomy and power and so gain authority as sources for feminist theology. Nevertheless Dr. Daly does not cut herself off from all traditional Christian theology. Indeed she chooses to vindicate, through a reinterpretation, the classical ontological theology of her Catholic heritage in Aquinas and Maritain.

Women should not imitate the inadequate liberation models of contemporary theology, including the apocalyptic model favored by black theology. Here liberation is seen as the victory of the oppressed over the oppressors. The women's movement is the one movement that cannot make murder the answer to oppression. Women and men are too closely bound to each other's survival to imagine that liberation for one can come about through the overthrow of the other. Rather, for Dr. Daly, the liberation model for women must be one of transformation and rebirth, the dissolution of both sides of a false antithesis to reveal a new androgynous humanity.

The male God must be rejected because "He" is not the true God, but an idol. He does the traditional work of idols: creating false consciousness, setting up false polarities, validating unjust rules of an oppressive society, making us look in the wrong places and ask the wrong questions about redemption. The true God is not "out there," nor even the God "who is not yet" so dear to theologians of hope. The true God is the power of Be-ing buried underneath our self-alienation, which is revealed in and through our reborn selves when we break the bonds of false consciousness and oppression. God is not "over against" humanity or even "nature," but the Be-ing through whom we come to be and which is manifest in our power to be when we open ourselves to It in joyful selfhood. The God of patriarchy is based on objective or "I-It" thinking, which found its basic model in the reduction of woman to the status of a "thing." Only the advent of woman as person can reveal that Be-ing which can found loving "I-Thou" relations between persons.

The death of God the Father also spells the repudiation of Christ. Christ was the symbol of the male as "God." At the same time Christ buttressed a slave ethic for those subjugated by patriarchy. Christ was the scapegoat who could be represented by the creators of the scapegoat, men. Women must be anti-Christ, not only to liberate themselves from slave ethics, but also to liberate the memory of Jesus "from enchainment to the role of 'mankind's most illustrious scapegoat' . . . so that Jesus can be recognizable as a free man."

Christology cannot be a redemptive model for women. But Dr. Daly does find prophetic dimensions in Mariology. In the doctrines of Mary's virginity, immaculate conception and assumption, Mariology pointed beyond Christolatry to the messianic concepts of the autonomy of women, the original unfallen nature of women, liberated from the male myth of the "curse of Eve," and the reintegration of the flesh and spirit in transcendent unity.

The women's movement is anti-church; it reveals the advent of a new androgynous humanity, a new liberated

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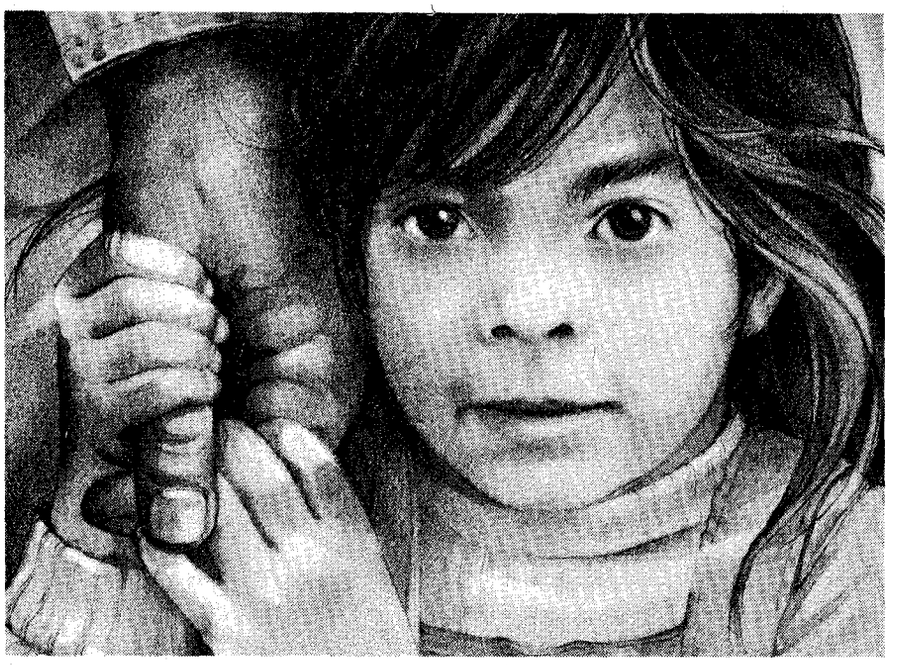
community of women with each other, men and women together, and finally as new cosmic covenant between humanity and nature. Nature itself must be liberated from its bondage to the phallic morality of rape and death.

This vision of the theological meaning of the women's movement is important and may well merit the identity that Dr. Daly gives it as being the "final cause." Yet there are disturbing contradictions in her analysis, certain oversimplifications that could subvert her best intentions.

First, it is questionable whether women should speak of themselves simply as an outcaste group. A more complex sociological analysis is needed about the meaning of women as a sexual caste *within every class.* This means that women of the élite classes, races and nations share the spoils of the masters. To call women of oppressed groups to negate their solidarity within their races and classes because these are patriarchal is to make an abstract analysis of woman's situation. Rather, women must integrate their struggle as women with their struggle as oppressed people, or with all other oppressed people. The abstract analysis of the women's movement that separates rather than unites women with all other struggles against oppression is precisely what is likely to lead the women's movement to remain unconsciously upper-class, Western and racist in its operations.

Secondly, to oppose "castration" to phallic morality is unfortunate. This "liberation symbol" contains that hidden violence that desires to "do unto others that which they have done unto you" which Dr. Daly at one point deplores. It seems that, in this language, she has been led astray by phallic consciousness. What she is reaching for is not well said by a word like "castration," but rather by a word that would symbolize our liberation from a morality that not only castrates women, but alienates men from their own potency. What we should seek is the "re-potentializing of everyone," in a dealienated way, so our creativity can become a reciprocal enhancement.

Thirdly, Dr. Daly's Mariology seems to have betrayed her into a notion of woman as the "innocent one" who has never been responsible for evil, except insofar as she has cooperated with male evil. Maleness becomes the sinful, broken world, while women contain the essence of the unfallen Eden which can be restored instantly by joining the women's movement. There is a docent-



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Citizens Committee for Justice for Farah Strikers, P.O. Box 998, El Paso, Texas 79946

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"El Paso '73"

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icism about such salvation through change of consciousness that lacks a socioeconomic understanding of the structuring of women into the world of oppression that is necessary to give her liberation vision a "body." There is also a moral naiveté that essentializes woman's situation as the victim into a doctrine of woman as *natura pura*. If women are to grow up, they must learn not only to take power and act autonomously, but also that in so doing they too are capable of oppressing others. The liberation they seek cannot spring from the dreaming innocence of the premoral person, but the mature struggle for love, justice and peace by men and women who both know that they are capable of being divided against themselves and of destroying each other and the world.

Rosemary Radford Ruether

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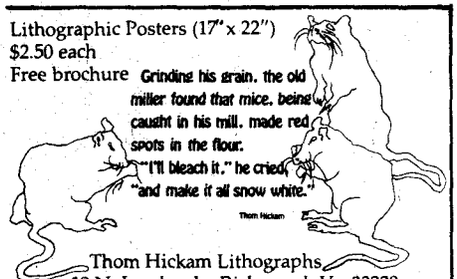
Grinding his grain, the old miller found that mice, being caught in his mill, made red spots in the flour.
"I'll bleach it," he cried, "and make it all snow white."
Thom Hickam

Thom Hickam Lithographs
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Across the Way

The Indignant Years
edited by
Harrison E. Salisbury

(Crown Publishers; $6.95)

Solzhenitsyn's Nobel Lecture, "Art—for Man's Sake," the longest and strongest of the 41 articles Salisbury includes in this collection of art and articles from the Op-Ed page of *The New York Times* approvingly quotes Dostoevsky's remark that "beauty will save the world." Save it or not, a passion for beauty would serve men better than the passion for power that created the forced labor Solzhenitsyn described in *One Day in the Life of Ivan Denisovich*. The memory of political prisoners with a literary gift—some published, others unpublished, and all mute Miltons by decree—saddens him, since few came back from the frozen hell of Gulag Archipelago. With their deaths, he observes, a whole literature was buried. Unlike the politicians who would bury what he has published and who deterred him from going to Stockholm to accept the Nobel Prize, he recognizes that the subconscious is lawless and that an author does justice to his powers only when he writes what he must. At the same time he argues that a writer sensitive to the needs of his countrymen will turn out stories and plays of social value. In the US on the contrary no one asks whether a book has social value unless the author has been tabbed a pornographer.

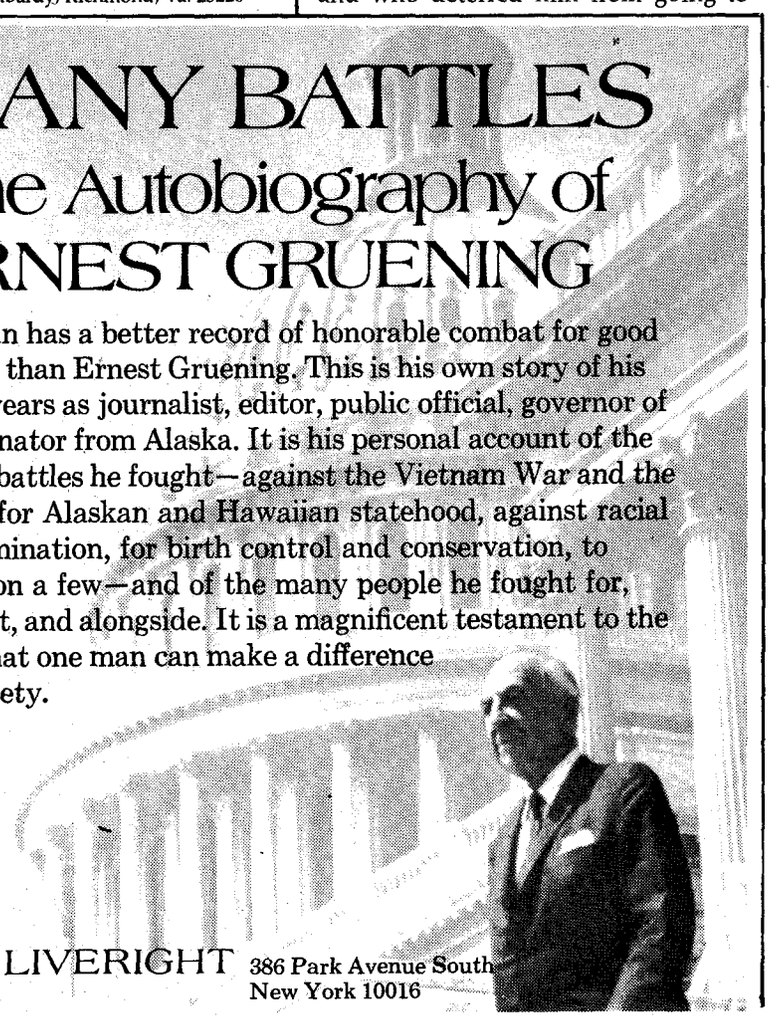
There are flashes of indignation in Salisbury's selections; but more often there is a sense of malaise. Writing only months before his death, Lyndon Johnson looks sadly at the dismantling of his Great Society and urges people to do battle with the dismantlers. Hannah Arendt, in "Washington's Problem Solvers," describes government advisers who lowered their intellectual capacities to public relations work and made a success story out of Vietnam's agonies. Bill Moyers deals lightly but shrewdly with officials who feed reporters secrets, some true, some false, and escape the consequences of their duplicity by warning that "nothing I say shall be for attribution." Walt Rostow defends the "moral commitment" that precipitated the US into Vietnam, and B. F. Skinner rides an old war horse when he argues for an Orwellian society in which human beings will be brainwashed for the common good.

There's a deeper note, expressions of alarm, anguish and indignation, in articles by the obscure. A migrant worker, writing anonymously lest she be cut off from the little she has, declares that nine hours of crawling on hands and knees under a blazing sun brings her $12, that jobs are intermittent, and that she needs to hand over $14 to get $28 in food stamps. A man whose brother was killed in a daytime robbery protests that New York had 1500 murders last year, an untold number of muggings and that violence has become so commonplace that the newspapers ignored the slaying. "Other Days and Other Crimes" reminds us that race violence was once unknown in Brooklyn schools and that we should honor the self-effacing peacemakers rather than the heroes and heroines of confrontation. "On the Occasion of a Death in Boston" carries hints of the New Journalism, for the author pries open the consciousness of an old woman who hasn't a friend to talk to and whose thoughts are too clouded for communication. The author, a priest who has undoubtedly had experience with the dying, paints a touching picture of the loneliness of the old. And he

MANY BATTLES
The Autobiography of
ERNEST GRUENING

No man has a better record of honorable combat for good causes than Ernest Gruening. This is his own story of his sixty years as journalist, editor, public official, governor of and senator from Alaska. It is his personal account of the many battles he fought—against the Vietnam War and the draft, for Alaskan and Hawaiian statehood, against racial discrimination, for birth control and conservation, to mention a few—and of the many people he fought for, against, and alongside. It is a magnificent testament to the fact that one man can make a difference to society.

$12.50



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makes us aware, if we have forgotten, that there's increased fragmentation of the family as the elderly are packed off to nursing or rest homes.

"Art," Solzhenitsyn wrote in his Nobel Lecture, "communicates the whole burden of the long life experience of another being with all its hardships, colors, juices, recreating the experiences endured by another human in the flesh —permitting it to be absorbed as one's own." If the portraits of obscure men and women depicted on the *Times'* Op-Ed page aren't rich enough to constitute art as he would have it, they prove how much our media lose when they set up tight little definitions of what—or who —is newsworthy.

James Walt

Stitches in Time

Needlepoint for Men by Rosey Grier

(Walker; $10)

What is it about carpentry that makes it a masculine pastime or about embroidery that makes it feminine? Nothing that I can think of apart from the fact that, in our culture, the one is thought of as a man's avocation and the other a woman's. As a man who does needlepoint I am grateful both for women's liberation and Roosevelt Grier. Women's lib is hammering away at the presumption that certain work is appropriate only to one of the sexes. Rosey Grier, the six-foot-five, 300-pound former New York Giants football player, is big enough and tough enough so that when he does his bargello it wouldn't occur to the most inveterate sexist pig to call him a sissy. The women's movement has forced the telephone company to hire female "linemen" and male operators, and Grier is trying to entice more men into needlework shops for canvas and Persian yarn.

In this country needlepoint is for women, or rather, it is thought to be. Even Clare Boothe Luce, a longtime feminist among other things, wrote in 1970 that ". . . a charming piece of needlepoint says to everyone who sees it, this house is lived in by a woman who is a creative personality." Well, it doesn't say that to me.

Anthropologists have known for eons that sex roles are arbitrary and that they vary immensely from group to group and sometimes within groups. (See Ruth Benedict's classic work *Patterns of Culture*. One of the three tribes she studied had, by our lights, everything screwed up; the women went to war while the men tended the kids.) Rosey Grier discovered in his research that the European needlepoint tapestries of the 11th to 16th centuries that are now so prized—Bayeaux, Gobelin, Aubusson —were designed and stitched by men. But not until recently have many US males had more to do with needlepoint than admiring the work of women.

One shouldn't have to call in a doctor (Margaret Mead perhaps, or Sigmund Freud) to diagnose what is happening today. Sex roles are changing fast, and taboos are being sloughed off right and left, freeing everyone, more or less, to be himself. My barber is a woman and I see men walking down the street in platform heels. Women are excavating the new Washington, DC subway, side by side with men. And males are doing the continental (that's a stitch). *The New York Times*, often slow to discern a trend, has noticed that needlepoint is all the rage among fellas. Arte Johnson the comic does it. Russell Lynes the editor does it, and for those who need additional male models Rosey Grier includes in his book a section of photographs of masculine looking guys all engrossed in stitchery. The Textile Museum here last year devoted an exhibition entirely to needlepoint done by psychiatrists. Almost all of them are males.

Male needlepointers now do their work in public, fearing ridicule less and less. (However I know of one case of a man whose tapestry was snatched from his lap on an IRT train and tossed out the window by another male who must have thought that masculinity *itself* was under siege and needed a defender.) I've found that doing needlepoint in public places is a very good way to make new acquaintances, since onlookers can't resist coming up and initiating conversation. I answer all questions in a deep voice. As Grier says, "I get a kick out of people and their reactions." I've met more stewardesses on planes with needlepoint as my bait than any pincher ever dreamed of.

The trouble with most needlepoint instruction books is that they are written for a stereotyped female audience. They are full of designs (flowers and other dainties) and chatter that are feminine in their appeal; at least they don't appeal to me. Shops carry cloying needlepoint goods, though occasionally one does run across a masculine item (e.g., a partially worked canvas produced by the exploited female labor of Madeira depicting a brown bull with genitals embroidered in petit point). But mostly it's just flowers.

Here enter Roosevelt Grier. His book, published to exploit the flowering male market and publishable primarily because it was written by (or ghost-written for, I don't know) a celebrity, is the only book I know done with men in mind. You can learn more stitches than Grier teaches from Hope Hanley (he includes only 13) and you'll find more exciting designs in Maggie Lane, but Rosey Grier is great for ego nourishment and his instructions are clear and easy enough to follow even though he cultivates the impression with his self-deprecating, humble Georgia prose that you're taking your lessons from a rank amateur. Much of the finished needlepoint illustrating the book is not Grier's and he admits freely that, when it comes to design, he isn't Picasso.

Still the book is well put together; its thesis, that men should do needlepoint proudly if doing needlepoint is what turns them on, is pretext enough for its publication. The illustrations are handsome, and Roosevelt Grier is something to see.

Why is needlepoint worth doing? If you take it with you wherever you go you will never be bored, not in doctors' waiting rooms, not in airports or planes, not in tedious company, and not while watching television. While you kill time you produce something hopefully beautiful and probably useful (a rug, a picture, a pillow or what have you). Needlepoint is a nonverbal, nonintellectual change of pace. It isn't exercise for the body but it's good for the nerves; it's therapy as relaxing as a martini but it doesn't destroy brain cells. It's something you can do with your wife. And it is very easy to learn; even a man can do it. So there, Clare Boothe Luce.

David Sanford

Coming next week

A review of books-for-your-moneysworth for Christmas giving

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ROBERT J. MYERS

the tragedy of RICHARD II

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—Victor Gold, *Former Press Secretary to Vice President Agnew*

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—John Osborne, *Noted Nixon Watcher*

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Medical Change

The Birth of the Clinic by Michel Foucault

(Pantheon; $8.95)

The Birth of the Clinic, subtitled "An Archaeology of Medical Perception," now appears in translation, no doubt because it *is* by Michel Foucault, his previously translated works (especially *Madness and Civilization* and *The Order of Things*) having established his reputation in the English-speaking world as a cultural historian-philosopher of major importance. One might expect this book, which falls chronologically between the two others mentioned, to link them in some way, to throw light on their content or method. In fact it is more specialized than either of them, dealing with a comparatively brief period in the historical development of medicine. Its methodological reflections anticipate only faintly those of *The Order of Things* and are at times obscure even for Foucault, while its social observations have nothing like the scope of those in *Madness and Civilization.* Nevertheless because of its subject matter the book has its own fascination.

The period dealt with here is delimited in the preface by two quotations, one from Pomme in 1769 and the other from Bayle in 1825. Between them it is clear that a revolution in medical perception took place. Pomme sounds medieval: he describes how bits of his patient peeled away after she had been in a bath all day every day for 10 months. Bayle sounds modern: he details with professional objectivity the structure of certain lesions of the brain. What happened in between? Well, all sorts of things, some narrowly medical but others institutional, political, intellectual.

One of the difficulties in writing history of this sort is detaching, if not inventing, the threads that constitute the texture of events. This is especially difficult in the case of medicine, because medicine is at once a body of knowledge and a therapeutic practice, and the relations in it between theory on the one hand, and observation and experiment on the other, are complicated by its involvement in our lives and deaths. On the therapeutic side, medicine is at once personal and collective, scientific and social. The patient is interested in himself, but the physician is interested in him as a case and the government is interested in him as a statistic. Every medical fact, therefore, can be interpreted in different ways even if its factual status is unambiguous, as it hardly ever is and certainly was not at the time of which Foucault is writing.

One of the conceptual transitions that occurred during this period was from the belief that the disease is an entity to be located in the body, as an object is located in space, through the belief that it is an affection of the body as a whole, to the conclusion that it is a pathological condition of certain tissues. In the early stages a great deal is made of "nosology" and "nosography," the theory and description of *nosos* or disease, but later on—"and this was the great discovery of 1816—the *being* of the disease disappears." This kind of metaphysical rhetoric helps to emphasize Foucault's hypothesis, which is that his chosen period saw one of the epistemological shifts his archeological method was devised to detect, but it obscures the fact that on the one hand diseases had even earlier already been regarded as conditions of the whole body—as imbalances in it of the proper proportions of the four humors—and on the other philosophers of medicine in the middle 20th century were exploring again the virtues of regarding diseases as entities.

The development of the sciences has not in fact been as neat as hypotheses like Foucault's make out. Yet a hypothesis that organizes some of the data is better than chaos, and Foucault works in other dimensions than the historical. His description, for example, of the spatial modes under which disease can be regarded is absorbing. There is an anatomical space, or rather a family of such spaces determined by the different systems (nervous, lymphatic, respiratory and the like), but there is also an interior space perceived by the patient, which has its own phenomenological character. This variety of spatial perception is something about which we know very little, because of the difficulty of rendering intersubjective judgments about it, but once drawn to our attention it forms an obvious (and sometimes perplexing) complement to the perception of the external Euclidean space in which we habitually live.

Phenomenologists since Husserl have been exploring the body and its relation to its world, and Foucault's main preoccupation has some affinity with this tradition—a preoccupation for the most

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part not with the way the body feels from the inside but with the way it looks from the outside, under the "gaze" of the medical practitioner. "Gaze" is a translation of the French term *regard*, a translation that has the sanction of earlier English versions of French phenomenological texts but is not excused by them. The translator makes a defensive remark about it in a prefatory note, but this does not explain why he didn't just use "regard" and be done with it. The trouble with "gaze" is that it has all sorts of secondary connotations (being lost in thought, being mesmerized, being stupid—for in English gazing almost automatically becomes vacant after a few seconds, and the term is cognate with "gawk") which overwhelm the desired primary meaning. Doctors don't, by and large, gaze at their patients, but in Foucault they do, and this gives a touch of the comically implausible to an already somewhat over-ornamented account.

As so often with Foucault one has to be patient and indulgent to get at the serious content of what he says, and even so it is hard to avoid a frequent sense of linguistic outrage for which the author and translator deserve about equal blame. One doesn't really need an English adjective formed on the noun "tissue," for example, but both "tissual" and "tissular" appear in this book. All one can do is grit one's teeth. Again, one of the problems of the medical gaze is decency, especially if the doctor gazing happens to be a man and the patient gazed at a woman. Even worse, the gaze as generalized to perception of other kinds came to involve auscultation, which was originally done by applying the doctor's ear to the patient's chest, or eventually (following the example of Laënnec) to her breast. Perhaps medical beards tickled; at all events modesty prevailed, helped by disgust: many of the patients in hospitals were dirty, and Laënnec subsequently invented the stethoscope to restore professional distance.

The hospital plays a dominant role in this book, as its title suggests. Sick people were traditionally cared for in their homes, surrounded by their families; to go to a hospital meant that one was destitute. But the hospitals provided a concentration of cases invaluable for teaching and experimentation. Sylvius, at Leiden in the 1660s, seems to have been one of the first to exploit this fact. At about that time, in London, the inadequacy and the danger of domestic treatment for serious diseases was being strikingly demonstrated: also medical statistics came into their own as the weekly or daily bills of mortality were inflated by the plague. (Defoe's *Journal of the Plague Year* remains, probably, the most gripping account of this aspect of disease ever written.) Public health became an issue, one that Foucault follows especially through the French Revolution which occurred in the period under discussion, complicating his historical argument. Medical practice got mixed up with ideological speculation: there were those who believed that once reason had been installed in government, disease would literally vanish from the body politic, and others who foresaw the replacement of the church by a sort of priesthood of medicine, doing for people's bodies what the priests had only pretended to do for their souls. Mixed in with this was a suspicion of learning characteristic of relatively ignorant masses suddenly invested with political power, which led for a time to the abolition of professional qualifications and the indiscriminate practice of medicine by anyone who wanted to try his hand at it. Because the hospitals had been for the most part religious foundations, they were abolished too. Not surprisingly, by the time order was restored the character of medical perception and practice had shifted.

In fact the almost exclusively French sources of Foucault's analysis throw off the generality of his historical conclusions. Without wishing to subscribe to the chauvinism of Sir William Petty, who wrote in 1682 "that although there be more people in London than in Paris, yet there went at London not so many people to hospitals as there did at Paris, although the poorest hospitals at London were better than the best at Paris; which shows that the poorest people at London have better accommodation in their own houses than the best hospital of Paris affordeth," still it is worth

NOTES ON CONTRIBUTORS

SAUL MALOFF's *novel*, Heartland, *has just been published by Scribners.* ROSEMARY RADFORD RUETHER *is professor of theology, Howard University School of Religion and lecturer, Yale Divinity School. Her most recent book is* Liberation Theology *(Paulist Press).* JAMES WALT *teaches English at the University of Maryland.* PETER CAWS *teaches philosophy at Hunter College and at the graduate division of City College of New York.* MICHAEL NIFLIS *is a poet who teaches in Tillamook, Oregon.*

Opening Up the Suburbs

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pointing out that things happen at different times in different countries (the Royal College of Physicians was chartered by Henry VIII), and that the myopia of much intellectual history in France is chauvinistic if not imperialistic.

But it is not on its historical accuracy that the merits of this book, or of any other book by Foucault, depend, but rather on its clustering of a set of individually brilliant and collectively original insights, drawn from a domain that has as yet not found a settled form for historical purposes. A good many of the book's perceptions are strikingly topical, given our current dilemmas about the delivery of health care, for example. Foucault knows the French sources inside out, and the book is full of intriguing quotations, this one, for example, from Tissot, who remarks that peasants have few and simple diseases, but that more and more show up as one ascends the social scale: "their number is already great in the superior order of the bourgeois . . . it is as great as possible in people of quality."

There are, in other words, plenty of reasons to read this book. But it cannot be recommended as a pure delight to those who are sensitive to English style or care about clarity of expression. Foucault needs more than translation, he needs editing. This is by now an old complaint, unlikely to be heeded; *faute de mieux*, he is worth having as he is, mainly because of his ingenuity in thinking up new and surprising combinations of topics for investigation. *The Birth of the Clinic* is a case in point.

Peter Caws

Department of the Treasury

January

Internal Revenue Service

If you file your tax return in January, the Internal Revenue Service will have your refund for you in four to five weeks. File later and you may have to wait as long as eight weeks.

Fine Print

Doris Grumbach

I must confess to enjoying novels more than short stories, short stories, on the other hand, more than sketches. I am one of those readers for whom length of a work of art bears some real relation to the durability of my experience of it. I want, somehow, in François Mauriac's terms, to *live* in it, to have squatter's rights within whatever terms the landlord-author sets for my occupancy. So when I discover a short story writer who allows me the comfort and amplitude of a novelist, I rejoice. Such a one is Doris Betts, whose name I have never heard before this volume called *Beasts of the Southern Wild & Other Stories* (Harper & Row). There are a number of superb stories here, the most notable of which is "The Mother-in-Law." I am intrigued with her accurate, biting style, the simplicity of her narrative structures, the richness of their implications. Her tone is what we have come to think of as "Southern," not unlike the early McCullers or now and then, Flannery O'Connor, but her style is her own. These are living, suffering persons caught in sometimes ordinary situations (childbirth, approaching death, etc.) which her subtle, rapid prose renders distinctive and memorable.

Another interesting book of short stories is the 1973 winner of the Iowa School of Letters Award, *The Itinerary of Beggars* by H. E. Francis (University of Iowa Press). With so few outlets for short stories to be printed, this university award seems almost a guarantee of excellence, and so this is. Francis teaches English at Alabama and spends much time teaching in Argentina. His stories reflect both cultures, are perhaps most successful, to my mind, when they deal with the lower depths of Mendozan society. The style is clipped, almost elliptical at times, responsible, I suspect, for the tight, sure form of the stories. Most have appeared in small journals (mainly *Southwest Review*). I have the feeling his work will have wider circulation soon.

Two books with Richard E. Rubenstein's name on the spines in the past few months. The earlier one, *Left Turn: Origins of the Next American Revolution* (Little-Brown), is a warning to Americans against what John Galbraith has

Wrong number?

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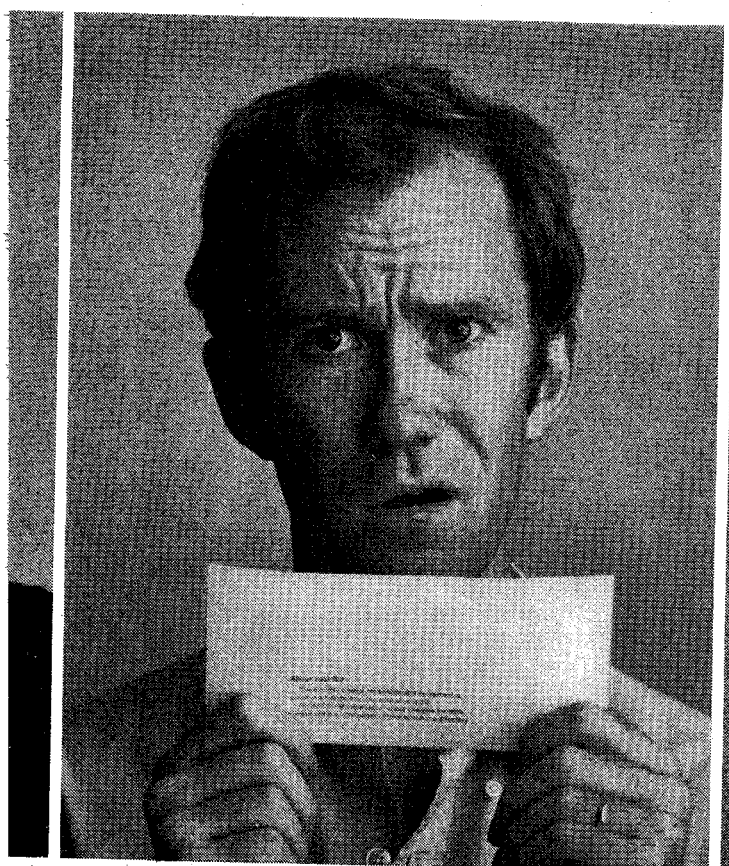

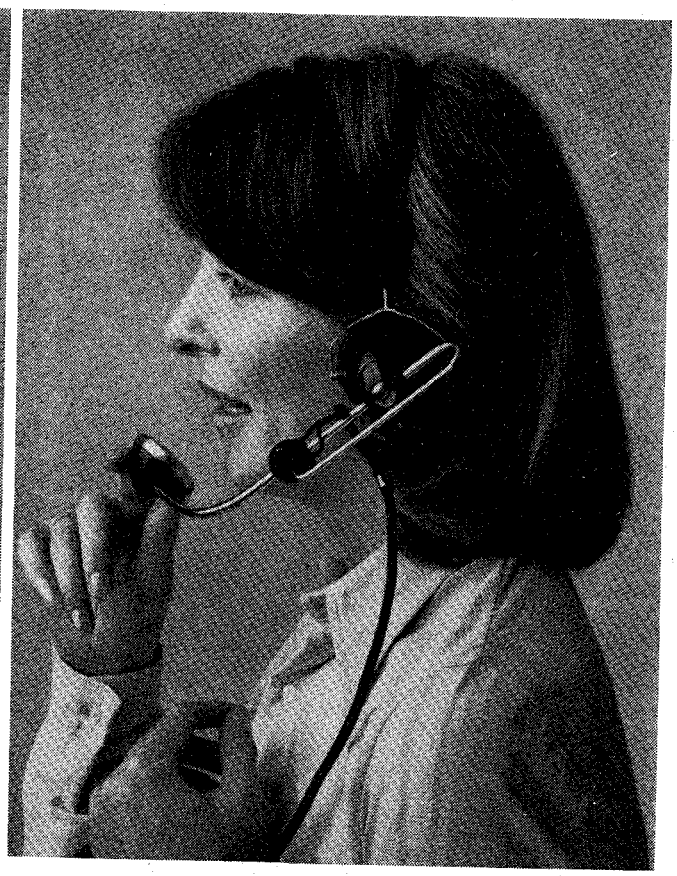

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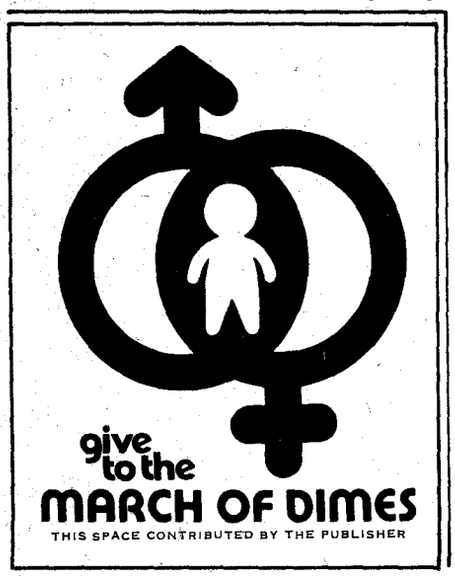
called the managerial elite, the big-moneyed interests which, before the fact of an unstable middle class, growing technology, and the collapse of old political coalitions, are threatening a new revolution in which they will take control of the nation. Well written by a man who is a Rhodes scholar, a lawyer, a professor and "a student of politics," the book makes painfully apparent the old saw that only by knowing history can a people hope to avoid past errors. Reading Rubenstein is a shattering, enlightening experience. His second work, which he edited, is *Great Courtroom Battles* (Playboy Press), written by various authors. I found William Kunstler's account of the Alger Hiss case, the narrative about the Cutter Labs "poison vaccine case" in which Melvin Belli figured, and F. Lee Bailey's autobiographical recounting of the 1960 Lowell, Mass. "Torso Murder," most interesting; others are good too. As is inevitable with such a portmanteau book, the writing is uneven. Rubenstein points out in his introduction that "people everywhere are fascinated by trials." These are especially distinguished by the quality of the lawyers' performances at them as well as by the equality of the contests in which they are engaged. In each case "two lawyers of consummate skill are locked in combat." A book hard to put down for very long.

Which leads me naturally to *The Case of Mary Bell* by Gitta Sereny (McGraw-Hill), which is subtitled "a portrait of a child who died." The book is much more than that. If you recall the publication some years ago of *The Bad Seed* by William March you will remember the argument that raged about whether there were indeed recorded cases of child murder, whether or not a young child was capable of murder. This horrifying case offers documentation for the belief. Eleven-year-old Mary Bell, in 1968 in Newcastle, England, was tried and convicted of the pointless, cruel murder of two very young boys. Gitta Sereny examines Mary's tragic home life with her sick, almost demented mother, her subsequent incarceration and the present lives of everyone connected with the case. Her moral is a warning to us of our responsibility in the murder because most of us adhere to "the tired principle of the absolute sacredness of family and parental ties," to the outworn belief that we must love our children, feel guilt in not loving. Her conclusion: "the only valid basis for relationship between parents and children . . . is love freely given on both sides." A genuine, well-told chiller.



Franz Kafka's *Letters to Felice* (Schocken) makes a fat volume and confirms what we already know from other sources about the great Czech writer whose physical state (many of these letters to his fiancée were written from a sickbed where Kafka was battling TB) and his strength to live were determined by how well his writing went. Most of these letters, two and three a day at times to Felice, touch upon his struggle with his art, his sickness, his love. He wrote to her: "The desire to renounce the greatest human happiness for the sake of writing keeps cutting every muscle in my body." He told her he was nothing but literature; these letters are proof of this. They are written in his unmistakable style, spare, full of pain and longing, yet couched in cool, precise, objective, almost detached and unimpassioned prose. We owe the publisher, who bought these letters from Fraulein Bauer before her death in 1960, an enormous debt. Erich Heller has written an informative introduction to the text. The translation seems scrupulous and accurate.

Music criticism as it is usually written can be guaranteed to bore the ordinary reader, but sometimes one finds a critic who writes so well about performers, operas, books on musical subjects, symphony orchestras, etc., that one has the sense he has illuminated a part of the culture as well as a production or a performance. David Cairns, the English writer, is one of these. You may know him as the authority on Hector Berlioz: his piece here (*Responses*, Knopf) on *Les Troyens* should be required reading for anyone attempting to listen to the five-hour new production of that complex masterwork at the Metropolitan Opera this year. This volume contains a great deal of his criticism that is lucid, informative, never dull, a restorative to one's faith that musical criticism is worth reading.

And, still on the subject of writing about music, you may find Open Court's volume of some of Richard Wagner's prose works of interest. Edited by another English critic, Charles Osborne (who is an expert on Verdi), this collection makes no attempt to gloss over some of Wagner's most ignoble characteristics—his anti-Semitism, his profound egotism, his dreadful prose style, his patriotic pride and pomposity. It includes as well some little known (in English, at least) stories about his early life as a composer. A welcome *reductio* of what is, in German, *eight* volumes of the composer's torrent of prose. Perhaps it is fitting to notice here that the book is published by a new press, in La Salle, Illinois, whose lists for the fall and spring have been notable.

Five Public Philosophies of Walter Lippmann, by Benjamin F. Wright (University of Texas Press) is a small, scholarly but intelligible summary and criticism of Lippmann's various contributions to political theory, as discerned from his books, not his journalism—from the early optimism and bravado of *Preface to Morals* to the gloomier view of people and rulers in *The Good Society* and *The Public Philosophy*. Professor Wright detects Lippmann's aristocratic bias that gives too little credit to the achievements of popular, progressive government. Nevertheless he rates Lippmann as "the most sensitive, the most wide-ranging and in some respects the most impressive" political thinker of his century.

Kauffmann, *from page 22*

comedy-romance, going from the late '30s to the early '50s, about a WASP man, apolitical, and a Jewish girl, Communist. Say, that's a pretty good dramatic contrast right there. And you just have no idea what a hindrance anti-fascism and anti-McCarthyism were to the course of true love. And it's even worse, folks, because the fellow has writing talent, and his girl—eventually

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his wife—tries to impose ideals on him in his work, analogized from her puritanical idealism in politics. She is rigid; he just wants to succeed. But they love each other, alas. Alas for us, really, because that love drags on and on, taking them through splits and reunions, until at last they manage to separate, just as we are about to suffocate. At the end he is a Hollywood writer, she is protesting the H-bomb in front of the Plaza in New York. They meet there and for one fearful moment I thought they were going to get together again, that the picture would go *on*.

Glittery Trash—a category that to me means New Truth pasted on Old Cardboard. The script is fake-daring about political conflicts of its period, priding itself on the fact that some formerly taboo political words are now permissible for the heroine but utilizing its ideas in the most offhand exploitative way. The dialogue is pseudo bright. Not one moment in the picture is anything but garbage under the gravy of false honesty. Only the music is *frankly* awful.

The director, Sidney Pollack, makes sure that everything is worse than it has to be. He handles his camera as if this were a Fonda-Bennett valentine of the '30s, never missing a moment of *True Confessions* anguish in the girl or a chance to predict, by camera placement, what's going to happen in a shot. If a park scene opens with a wastepaper can looming big in the foreground, you know that the heroine coming toward us is going to stop at it, tear up some papers and throw them in.

The girl is Barbra Streisand, who is still a monster. The first dictionary definition: "a fabled animal combining features of animal and human form." She's fabled, all right, and she can assume human form: that's one of her several unquestionable talents. But my image of her is of an egotistic animal gobbling the story, the audience, the very film stock on which her image is printed.

One thing she cannot devour is the man she plays opposite this time. Before, she ate up such weaklings as Omar Sharif, George Segal and Ryan O'Neal. This time it's Robert Redford, a solid, subtle actor and a genuine star in his own right. He treats this spurious script seriously, and he handles every scene with an originality that comes from verity, not display. This, for me, is a Redford picture, in which the girl playing opposite him tries to gun him down and fails. If he could win out over Arthur Laurents, Streisand was no problem.

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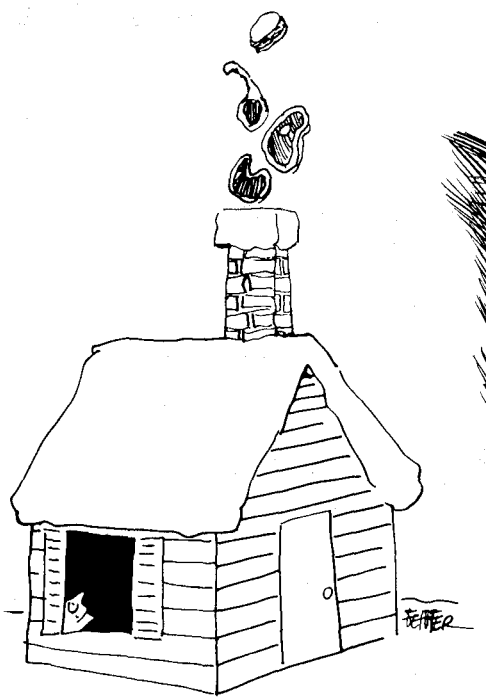

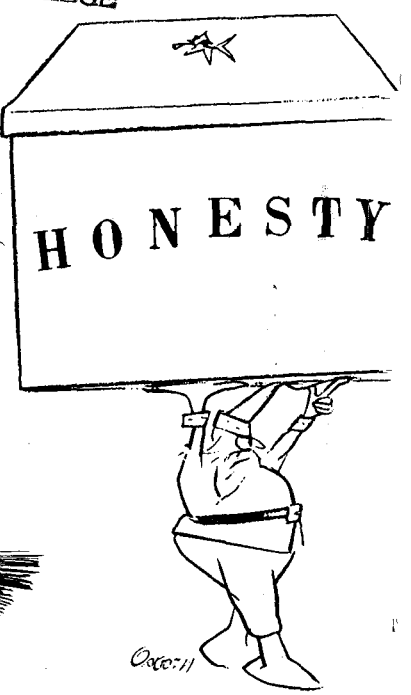

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